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# **NAVAL POSTGRADUATE SCHOOL**

**MONTEREY, CALIFORNIA**

## **THESIS**

**ENHANCING THE EFFECTIVENESS OF NATIONAL  
GUARD SUPPORT OF CIVIL AUTHORITIES BY  
IMPROVING INTERAGENCY COORDINATION**

by

William H. Stevenson

March 2008

Thesis Advisor:  
Second Reader:

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**ENHANCING THE EFFECTIVENESS OF NATIONAL GUARD SUPPORT OF  
CIVIL AUTHORITIES BY IMPROVING INTERAGENCY COORDINATION**

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requirements for the degree of

**MASTER OF ARTS IN SECURITY STUDIES  
(HOMELAND SECURITY AND DEFENSE)**

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## **ABSTRACT**

Preparedness for response to a catastrophic event in the United States, natural disaster or terrorist attack, is a priority mission for the National Guard. Interagency coordination and collaboration is key to the success of this preparedness. Because of the state and regional responses being independent of Federal deployment, the National Guard requires interagency relationships specific to their operations. This thesis conducted an evaluation of the interagency coordination processes amongst the Department of Defense, National Guard Bureau, and Department of Homeland Security agencies. The thesis explores what additional procedural, policy, and structural mechanisms can be implemented to enhance interagency cooperation and collaboration between the National Guard Bureau and other homeland security agencies for domestic operations. Four recommendations are provided: establish an operationally focused Joint Interagency Coordinating Group at National Guard Bureau; organize National Guard homeland security oriented liaison officers under a Homeland Security Liaison Element; focus National Guard interagency coordination within the FEMA regional construct; and examine U.S. Northern Command for opportunities to fully integrate civilian agencies and National Guard into a civil-military command model.



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## **LIST OF ACRONYMS AND ABBREVIATIONS**

ACE – Army Corps of Engineers  
BG – Brigadier General  
BrigGen – Brigadier General  
CBP – Customs and Border Protection  
CBRNE – Chemical, Biological, Radioactive, Nuclear, Explosive  
CCMERF – CBRNE Consequence Management Response Forces  
CNGB – Chief, National Guard Bureau  
CNGR – Commission on the National Guard and Reserves  
COCOM – Combatant Commander  
COL – Colonel  
COP – Common Operating Picture  
CJCS – Chairman of the Joint Chiefs of Staff  
CST – Civil Support Team  
DHS – Department of Homeland Security  
DoD – Department of Defense  
DSCA – Defense Support of Civil Authorities  
EMAC – Emergency Management Assistance Compact  
EPLO – Emergency Preparedness Liaison Officers  
FEMA – Federal Emergency Management Agency  
HQ – Headquarters  
HS – homeland security  
HSLE – Homeland Security Liaison Element  
IA – Interagency  
ICD – Interagency Coordinating Directorate  
ICE – Immigration and Customs Enforcement  
ICS – Incident Command System  
IG – intergovernmental  
JDOMS – Joint Director of Military Support



JFO – Joint Field Office  
JIACG – Joint Interagency Coordinating Group  
JTF – Joint Task Force  
JTF-CS – Joint Task Force - Civil Support  
LNO – Liaison Officer  
LTC – Lieutenant Colonel  
MOA – memorandums of agreement  
MOU – memorandums of understanding  
NDAA – National Defense Authorization Act of 2008  
NG – National Guard  
NGB – National Guard Bureau  
NIMS – National Incident Management System  
NORTHCOM – United States Northern Command  
NRF – National Response Framework  
NRP – National Response Plan  
SAD – State Active Duty  
SECDEF – Secretary of Defense  
SOLE – Special Operations Liaison Element  
USCG – United States Coast Guard  
USG – United States Government

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## **AUTHOR'S NOTE**

This thesis contains recommendations for changing various structures within the Department of Defense, the National Guard Bureau, and the various state National Guards. The recommendations are improvement-based and do not reflect on the organizations or the hard work of the leaders who toil daily within legal and policy structures that, in some cases, are over a century old. Their efforts are reflected in the faith shown by Congress in the National Guard as detailed in the National Defense Authorization Act of 2008. These frontline service members are serving with distinction and we owe them careful analysis and recommendations to support improvements for their efforts.

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## **I. INTRODUCTION**

### **A. PROBLEM STATEMENT**

Since the attacks of September 11, 2001, considerable restructuring has occurred within the agencies responsible for homeland security consequence management. The realization that a catastrophic attack, or natural event, would overwhelm any area's resources has led to regional and national level planning efforts. This has also led to increases in resources and training for homeland security contingencies.

Department of Defense (DoD) resources are included in that planning. At the national level, those resources are controlled at United States Northern Command (NORTHCOM) and the National Guard Bureau (NGB). At the state level, they fall within each state's National Guard under the command of the Governor. This planning was tested during Hurricanes Katrina and Rita when National Guard (NG) and federal DoD elements were deployed to assist threatened and stricken areas.

The National Guard and the National Guard Bureau are components of the Department of Defense. For purposes of this thesis, DoD will refer to Title 10 (federal) military; National Guard will refer to Guard units on State Active Duty (SAD) or Title 32 duty.

The National Guard is continuously engaged in planning and conducting domestic operations. There are hundreds of National Guard activations each year to support local, state, regional, and federal emergencies and disasters. At any given time year-round, over 12,000 National Guardsmen are deployed in support of emergencies. These range from border security to natural and manmade disasters. As a snapshot, on May 24, 2007, 23 states had National Guard units deployed for a wide variety of state emergencies. These ranged from security details for transportation systems to wildfires, border security, and floods.<sup>1</sup> With few exceptions, the last being Hurricane Katrina, these emergencies do not entail DoD mission requests. Increased efficiency and effectiveness for these critical missions demands comprehensive interagency relationships.

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<sup>1</sup> H Steven Blum, LTG, Army National Guard, (Chief, National Guard Bureau). Author's notes from keynote address, Military Strategy Forum, Washington, D.C.; May 24, 2007.

The National Guard has always had a traditional mission to support the Governor during a state emergency. This mission has evolved and includes a regional and national response capability through mutual aid between the states and the state National Guards. For example, every state NG provided support to the areas affected by Hurricanes Katrina and Rita without federal activation. Despite this response capability, NGB maintains only a decentralized informal liaison relationship with federal planning and response agencies — particularly the Department of Homeland Security (DHS).

Established to provide command and control of DoD homeland defense efforts and to coordinate defense support of civil authorities (DSCA), NORTHCOM is structured as a DoD combatant command. This military structure fails to recognize the operating environment in which DoD would be expected to provide support by not fully integrating the National Guard, civilian resources, or operational aspects. This lack of DoD interagency operational capability also fails to recognize constitutional civilian primacy. This is particularly evident during state and regional emergencies: when thresholds are not reached to initiate a request for federal resources within the National Response Framework.

DHS has begun to lean forward and coordinate directly with the state emergency management structures. This will insure that federal assistance is provided in a timely and appropriate manner. This means that DHS is frequently engaged prior to declaration of a federal emergency and provides support for state level emergency operations.

Because of the routine response of the National Guard to major emergencies outside of the National Response Framework, the Guard must maintain interagency relationships — particularly with the Department of Homeland Security. Under current policy, NGB lacks the mandate to provide direct liaison with DHS in preparation for National Guard operations during emergencies. The mandated agency, Department of Defense (DoD), lacks the defense support to civilian authorities (DSCA) focus. It is not operationally engaged beyond situational awareness during disasters at the state or regional level. Without this mandate, the National Guard is prevented from rapidly providing DSCA efficiently, effectively, and to the extent necessary during a regional or national catastrophic disaster — natural or man-made.

A key element of interagency coordination is liaison efforts. Lacking the clear mandate to conduct interagency coordination, NGB can only support DoD liaison efforts. This results in National Guard equities not being properly addressed by DHS during the planning and preparation for large state and regional response and recovery efforts. NGB currently has liaison officers (LNO) working with multiple federal agencies as well as multiple agencies, commands, and directorates within DoD. The National Guard LNO must facilitate the interaction between that agency and the National Guard at the NGB level and indirectly with the 54 National Guards in sovereign states and territories. In some cases, these liaison operations are structured and memorialized. In others, they are ad hoc assignments based on reaction to an event or emerging issue. For example, there is a structured NG liaison cell at NORTHCOM headquarters: the NG presence at Joint Force Headquarters-National Capital Region is borne by a single representative from the District of Columbia National Guard on a temporary assignment.

The business of the LNO is always tenuous. While the officer represents an agency, he<sup>2</sup> is not empowered to change policy or, in most cases, commit resources. Federal interagency relationships are the result of years of policy development and interaction. This is compounded when the LNO is representing an agency within an agency. The NG LNO is not the DoD LNO, but NGB is a bureau within DoD. Because NGB is a component of DoD, official liaison and coordination is conducted by the DoD LNO. This LNO is focused on using Title 10 resources requested under the Stafford Act. Any NG LNO activity at the Department of Homeland Security (DHS) is subordinate to the DoD liaison process.

Liaison officers are assigned from multiple directorates within the National Guard Bureau. Assignments do not require screening to insure that the liaison officer (LNO) has the background to function in the external agency environment. The LNO then has to spend a considerable amount of time learning about the federal, state, and local response systems before he is effective. The LNO is also not adequately supported to insure that they are fully informed on current NGB and DoD policy and direction. This prevents them from providing accurate input. They often must research an issue which loses the

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<sup>2</sup> DoD is fully integrated between male and female staff. Male pronouns refer to both sexes.



timely opportunity to support policy discussion. Not being aware of issues underway can also result in the LNO not engaging an area where his agency has emerging interests.

National Guard efforts are not being fully planned beyond individual state Guard planning. Each state plans in a vacuum. Then, each state requires independent logistical and operational capabilities. This lack of integrated planning leads directly to a lack of coordinated effort for the allocation of resources for the Guard for DSCA at the federal level. Uncoordinated response occurs during regional or national level emergencies. Additionally, absent a mandate, the individual state's National Guards are not represented by LNOs. This acts to insulate the State Guard organizations from the national civilian response system.

Funding for interagency DSCA liaison is not authorized. This lack of funding results in a lack of adequate staffing and organization for comprehensive interagency liaison operations.

Interagency relationships are key to successful disaster response. Federal interagency relationships are the result of years of policy development and interaction.

Understanding the capabilities of different agencies at all levels of government, and the process to access them, is a core element of emergency management. The National Guard is positioned and capable of providing DSCA in an efficient and effective manner. Without the mandate and support to operate directly with federal response partners, the effort is subject to changing priorities within DoD.

The lack of comprehensive interagency coordination is counterproductive for agencies that rely on each other extensively during response efforts. DoD must improve interagency coordination and integration. NGB must improve existing efforts to insure that coordination results in effective and efficient collaboration at national, regional, and state levels.

## **B. RESEARCH QUESTION**

What additional procedural, policy, and structural mechanisms can be implemented to enhance interagency cooperation and collaboration between the National Guard Bureau and other homeland security agencies for domestic operations?

- Will a Joint Interagency Coordinating Group (JIACG) at National Guard Bureau provide the necessary relationships for collaboration?
- Is it feasible and legal to create an operationally-oriented liaison structure between the National Guard Bureau (NGB) and the Department of Homeland Security (DHS)?
- Can this structure serve as an operational link between DHS and the State National Guards deployed on state missions?
- Will a structured liaison system, built as a section within NGB, be more productive than independent directorate liaison officers (LNOs)?

### **C. LITERATURE REVIEW**

Most of the resources found during this research represent the current doctrine and policies that have emerged over the decades. After 9/11, resources have been fewer. This literature review groups findings into four relevant areas: legal authorities, command and control, DoD and NG missions, and current DoD interagency structure.

#### **1. Legal Authorities**

Authority, responsibility, and roles begin with the Federal Code. Title 10 covers the active duty military, as well as the reserve components.<sup>3</sup> Title 32 speaks to the National Guard. This includes active duty National Guard (Title 32 status)<sup>4</sup>. Both are broadly based and supported by volumes of directives and policies at DoD and NGB.

The constitutional issue of States' Rights as they apply to the handling of disasters and the National Guard will require additional research. Beyond Article 10 in the constitution, the preponderance of the law is contained in cases related to States' Rights. They were beyond the scope of the research for this project.

Lujan reviews the legal authorities for military domestic operations. He concludes that the parameters for deployment are well defined and limiting for the military's role.<sup>5</sup>

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<sup>3</sup> Armed Forces, U.S. Code Title 10, secs, [http://www.law.cornell.edu/uscode/html/uscode10/usc\\_sup\\_01\\_10.html](http://www.law.cornell.edu/uscode/html/uscode10/usc_sup_01_10.html), (accessed January 2007), 101-104.

<sup>4</sup> National Guard, U.S. Code Title 32, secs, [http://www.law.cornell.edu/uscode/html/uscode32/usc\\_sup\\_01\\_32.html](http://www.law.cornell.edu/uscode/html/uscode32/usc_sup_01_32.html), (accessed January 2007), 904-907.

<sup>5</sup> Thomas R. Lujan, "Legal Aspects of Domestic Employment of the Army," *Parameters* 27, No. 3 (Autumn 1997), <http://www.carlisle.army.mil/%20usawc/Parameters/97autumn/lujan.html>, (accessed January 2007), 82-97.

Ikle, on the other hand, describes a confusing patchwork of laws that dictate DoD authorities. These are often subject to interpretation and dependent upon types of emergencies.<sup>6</sup>

The primary authorities for Department of Defense domestic civil support operations come from the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5121 et seq).<sup>7</sup> The Stafford Act authorizes the President, upon request, to provide federal assistance to state and local governments.

The National Guard Bureau Charter does not give them the authority to coordinate and facilitate interstate, or multi-state, deployments of National Guard troops.<sup>8</sup> Furthermore, the 1996 NGB civil support regulation fails to support the current environment. This includes interagency coordination with the Department of Homeland security, or the Department of Defense Northern Command (NORTHCOM), and planning within the National Response Framework (NRF) and National Incident Management System (NIMS).<sup>9</sup>

The literature for legal authorities is somewhat dated: it fails to address the changes that the Department of Defense and National Guard are undergoing. There is recognition that substantial changes are underway, but no recommendations or outlines on what those changes should or could entail. Additionally, no analysis was found on proposals for the 2008 appropriations relative to the recommendations of the Commission on National Guard and Reserve and the Secretary of Defense's response.

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<sup>6</sup> Fred C. Ikle, *Defending the U.S. Homeland, Strategic and Legal issues for DoD and the Armed Services* (Washington, D.C.: CSIS Press, 1999), 16-18.

<sup>7</sup> *Robert T. Stafford Disaster Relief and Emergency Assistance Act*, Title 42 (1988) § 5121.

<sup>8</sup> Commission on National Guard and Reserve, *Second Report to Congress*, (Washington, D.C.: Government Printing Office, 2007), 123.

<sup>9</sup> United States Government Accountability Office, *Reserve Forces: Actions Needed to Identify National Guard Domestic Equipment Requirements and Readiness*, GAO-07-60 (Washington, D.C.: GAO, 2007), 4.

## 2. Command and Control

DoD largely assumes that, for homeland security missions, the National Guard will remain under state control. This is supported by recommendations from the Defense Science Board and the Commission on National Guard and Reserves to leave the National Guard under state control.<sup>10,11</sup>

DoD also works from the premise that they do not fall under the control of anyone other than the President or Secretary of Defense. During domestic operations in support of civilian authorities, this inevitably leads to conflicts and negates efforts at establishing unity of command — unless DoD is in charge.<sup>12</sup>

The National Response Framework requires that the Department of Defense provide Defense Support for Civil Authorities. This support is normally provided when local, state, and non-military federal resources are overwhelmed. Then help is requested by a lead federal agency, federal military forces, or DoD civilians and agencies. Provided on a fee reimbursement basis, DoD assets are only available if they do not interfere with military operations or readiness.<sup>13</sup>

A clear rationale for why the National Guard should remain under state control — rather than federalized — is detailed in the Defense Science Board 2003 Summer Study on DoD Roles and Missions in Homeland Security: Volume II - A: Supporting Reports.<sup>14</sup>

It also gives recommendations on how to improve the Guard's capability in homeland security. Schnaubelt, in his review of the result of federalization of National

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<sup>10</sup> United States Department of Defense, *Defense Science Board, 2003 Summer Study on DoD Roles and Missions in Homeland Security*, Volume I (Washington, D.C.: Defense Science Board, 2004), 121-123 [http://www.acq.osd.mil/dsb/reports/2004-05-VOL\\_II.final\\_Part\\_A.pdf](http://www.acq.osd.mil/dsb/reports/2004-05-VOL_II.final_Part_A.pdf), (accessed January 2007).

<sup>11</sup> Commission on National Guard and Reserve, *Second Report to Congress*, 64.

<sup>12</sup> Donald P. Moynihan, *From Forest Fires to Hurricane Katrina: Case Studies of Incident Command Systems* (Washington, D.C.: IBM Center for the Business of Government, 2007), 22.

<sup>13</sup> Department of Homeland Security, *United States. Dept. of Homeland Security Quick Reference Guide for the National Response Plan*, Version 4.0 (Washington, D.C.: DHS, 2006), 19.

<sup>14</sup> United States Department of Defense, *Defense Science Board, 2003 Summer Study on DoD Roles and Missions in Homeland Security: Volume II - A: Supporting Reports* (Washington, D.C.: Defense Science Board, 2004), [http://www.acq.osd.mil/dsb/reports/2004-05-VOL\\_II.final\\_Part\\_A.pdf](http://www.acq.osd.mil/dsb/reports/2004-05-VOL_II.final_Part_A.pdf), (accessed January 2007), 121-123.

Guard troops during the Los Angeles riots in 1992, discusses the operational perspective: the mid-mission change in command and limitations of Posse Comitatus significantly degraded the Guard's capability.<sup>15</sup>

The Commission on National Guard and Reserves contains multiple findings and recommendations to support enhanced utilization of the National Guard for homeland security. The Commission concludes that the National Guard Bureau and DoD are not properly structured to fully integrate the National Guard into homeland security. Rather, it presses for structural and procedural changes at all levels.<sup>16</sup>

The literature for this section captures the current construct for command and control within DoD. There is no broad literature concerning command and control for the National Guard. The literature recognizes the command and control issues between Title 10 and Title 32 forces operating in a domestic operations environment. However, it fails to propose substantial models for improving those issues.

### **3. DoD and NGB Missions**

DoD has set goals: maximizing threat awareness; dealing efficiently with threats outside the U.S. homeland; maintaining mission readiness if under attack or following an attack; supporting civil authorities following a chemical, biological, radiological, nuclear, or explosive (CBRNE) attack; and improving their capabilities in homeland defense and security (HD/HS). As the designated lead agency for homeland defense, the first priority for DoD is any federal HD/HS mission that they are tasked to complete. DSCA is their second priority.<sup>17</sup>

The National Guard Bureau (NGB) does not have the charter, nor regulatory authority, to conduct multi-state and regional planning for National Guard deployment

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<sup>15</sup> Christopher M. Schnaubelt, "Lessons in Command and Control from the Los Angeles Riots," *Parameters*, Vol. XXVII, No. 2 (Summer 1997), <http://www.carlisle.army.mil/usawc/Parameters/97summer/schnau.htm>, (accessed March 2007), 88-109.

<sup>16</sup> Commission on National Guard and Reserve, *Second Report to Congress*, xiv.

<sup>17</sup> Department of Defense, *Strategy for Homeland Defense and Civil Support* (Washington, D.C.: DoD, 2005), 2.

and management. DoD opposes providing NGB with those authorities for one reason: they state it is solely their responsibility.<sup>18</sup>

The DoD role in Hurricane Katrina was reviewed extensively by the Government Accountability Office. Findings indicated that failure of DoD to successfully integrate operations between active duty and National Guard assets produced inefficiencies and redundancies. This led to delays in recognizing and achieving operational requirements. Further, National Guard plans were found to be inadequate for catastrophic disaster: the plans failed to account for massive support efforts arriving from other states.<sup>19</sup> Further, a White House report on Katrina found that the Department of Defense and the state National Guards were not working in a coordinated fashion.<sup>20</sup>

One consideration for improving the National Guard integration was to place U.S. Northern Command (NORTHCOM) under National Guard leadership using a dual-hatted, Title 10/Title 32 command structure. This was shown to be effective during the security preparations for the G8 Summit in 2003 and the National Political Conventions in 2004. Additionally, specific troop sets would be assigned to NORTHCOM. This would provide a dedicated NG response capability.<sup>21</sup> However, this concept never gained traction and NORTHCOM remains Title 10 forces-centric.

Historical DoD and NGB missions are well documented. This includes failures of domestic operations missions rising to the catastrophic level requiring Title 10 and Title 32 interaction. The literature continues to fail to adequately address the changing nature and expectations of the military in catastrophic response and recovery operations within the United States. This is compounded by the lack of clear legal authorities for DoD in the homeland defense and security realm.

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<sup>18</sup> United States Government Accountability Office, *Reserve Forces: Actions Needed to Identify National Guard Domestic Equipment Requirements and Readiness*, GAO-07-60 (Washington, D.C.: GAO, 2007), 50.

<sup>19</sup> United States Government Accountability Office, *Hurricane Katrina: Better Plans and Exercises Needed to Guide the Military's Response to Catastrophic Natural Disasters*, GAO-06-643 (Washington, D.C.: GAO, 2006), 6.

<sup>20</sup> The White House, *The Federal Response to Hurricane Katrina: Lessons Learned*, (Washington, D.C.: The White House, 2006), 43.

<sup>21</sup> Raymond E. Bell, Jr., "US Northern Command and the National Guard" *Joint Forces Quarterly*, Issue 36, (December 2004), 40.

#### 4. Current DoD Interagency Structure

DoD focuses their interagency effort at the national level. U.S. Northern Command has a Joint Interagency Coordinating Group representing 60 agencies that work together to prepare for catastrophic events.<sup>22</sup> While this would appear to be natural for a federal agency to focus on other federal agencies, the homeland security consequence management mission is accomplished at the regional and local level.<sup>23</sup> This requires more comprehensive interagency relationships.

In testimony before Congress, Assistant Secretary of Defense for Homeland Defense, Paul McHale, described DoD's Memorandum of Agreement (MOA) with the Department of Homeland Security (DHS) for liaison presence.<sup>24</sup> The MOA calls for DoD support of DHS, establishment of a homeland security coordination office, and staff support for planning and operations.<sup>25</sup> The presence of a MOA concerning DoD liaison with DHS is further described in the Defense Science Board's 2003 report.<sup>26</sup>

During the past few months, significant policy change concerning DoD and NGB relationships has been initiated and is reflected by a few articles. More importantly, it is reflected in the Commission on National Guard and Reserve report and, subsequently, by the response of DoD Secretary Gates.<sup>27,28</sup> These two documents, in conjunction with the language in and surrounding the National Guard Empowerment Act of 2007, are the

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<sup>22</sup> Steve Bowman and James Crowhurst, *Homeland Security: Evolving Roles and Missions for United States Northern Command*, RS21322, Congressional Research Service, (Washington, D.C.: November 16, 2006), 4.

<sup>23</sup> Stephen M. Duncan, *Transforming the Reserve Component, Homeland Security and the Reconstruction of U.S. Reserve Forces*, (Washington, D.C.: National Defense University, 2005), 14-17.

<sup>24</sup> Paul McHale, *Testimony Before the Committee on Homeland Security and Governmental Affairs, United States Senate 109<sup>th</sup> Congress*, February 9, 2006, Committee Print, <http://hsgac.senate.gov/files/020906McHale.pdf>, (accessed March 2007), 7.

<sup>25</sup> Department of Defense, *Memorandum of Agreement Between the Department of Homeland Security and the Department of Defense for DoD Personnel Support to the Department of Homeland Security*, September 8, 2004.

<sup>26</sup> Steve Bowman, *Homeland Security: Establishment and Implementation of the United States Northern Command*, RS21322 (Washington, D.C.: Library of Congress, 2006), [http://digital.library.unt.edu/govdocs/crs//data/2006/upl-meta-crs-9544/RS21322\\_2006Aug18.pdf?PHPSESSID=fa2333d6324ee8eba87780f011b06325](http://digital.library.unt.edu/govdocs/crs//data/2006/upl-meta-crs-9544/RS21322_2006Aug18.pdf?PHPSESSID=fa2333d6324ee8eba87780f011b06325), (accessed January 2007), 4.

<sup>27</sup> Commission on National Guard and Reserve, *Second Report to Congress*, xi.

<sup>28</sup> Department of Defense, *Implementation of the Recommendations from the Commission on the National Guard and Reserves*, May 10, 2007.

precursors for an opportunity to change the way DoD does business in the homeland security arena. This applies specifically to the role of the National Guard. Further research, primarily in the form of interviews with persons involved in homeland security, will form the basis for policy proposals to help improve interagency capabilities relative to homeland security at National Guard Bureau and DoD.

The recognition of the requirement for improved interagency operations or liaison is not well documented because the findings, recommendations, and actions at the congressional level are very recent. These findings will generate additional exploration of these concepts and requirements over the coming years.

## **5. Conclusion**

There is significant literature concerning the legal authorities, command authorities, DoD missions, and DoD policy and organization related to interagency relationships. However, the literature review reveals dated work that generally fails to address the current environment that is driving transformation of domestic operations for DoD and the National Guard. The current legal status is adequately documented, but future initiatives are not. There is limited information on the complex changes underway at DoD, NGB, and DHS which will drive increased interagency reliance for future preparedness and response efforts.

There is very little literature that directly speaks to the need for independent National Guard interagency relationships or how they might be structured. Nor is there literature that describes current NGB liaison elements. This research will add to this body of knowledge.

## **D. ARGUMENT**

To meet the extensive nationwide preparedness and response requirements faced by the Department of Defense and the National Guard, they must have extensive direct interagency (IA) coordination, collaboration, and cooperation authority and mechanisms. The failure of interagency coordination was noted during Katrina that contributed to inefficient resource use and ineffective allocation of assets. This led to life-threatening delays in early stages of the response and recovery phases of the disaster. The



Commission on National Guard and Reserve, the Secretary of Defense, and the Chief of the National Guard Bureau have recently directed increased IA coordination between DoD, NGB, and civilian agencies.<sup>29,30</sup>

The National Guard is continuously engaged in domestic operations. There are hundreds of National Guard activations each year and with few exceptions these emergencies do not entail DoD mission requests. Increased efficiency and effectiveness for these critical missions demands comprehensive interagency relationships between NGB and DHS.

#### **E. SIGNIFICANCE OF THE RESEARCH**

DoD represents the most substantial resource in the United States for consequence management following a catastrophic disaster. It is essential that DoD be fully integrated into homeland security plans and efforts. This thesis will provide policy proposals, for review by National Guard Bureau, the Department of Defense, and the Department of Homeland Security, to better integrate national preparedness activities. The end product will support improved consequence management capability through improved interagency planning and coordination at all levels of the National Guard and DoD.

Due to the currency of the issues to be researched, this thesis will also contribute to the literature concerning interagency cooperation and collaboration between DoD and other federal agencies.

#### **F. METHODOLOGY**

This thesis conducted an evaluation of the interagency coordination processes amongst the Department of Defense, National Guard Bureau, and Department of Homeland Security agencies. A literature review, which included pertinent legislation, was conducted. Because of the dynamic nature of these relationships, and the lack of extensive literature, research was primarily accomplished by interviewing selected leadership at interagency operational and policy levels at the following agencies:

- Department of Defense J3/Domestic Operations and National Guard Bureau J3, J5, and Joint Executive Staff. The interviews focused not only

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<sup>29</sup> Commission on National Guard and Reserve, *Second Report to Congress*, vi.

<sup>30</sup> Department of Defense, *Implementation of the Recommendations from the Commission on the National Guard and Reserves*, May 10, 2007.

on current policies and practices, but also on interviewee insights into policy and process areas where improvements are needed and feasible.

- NORTHCOM JIACG: Interviews explored the strength of the interagency relationships and operational collaboration. The focus was the role of the JIACG.
- The NGB LNO at DHS Headquarters, FEMA Headquarters, and NORTHCOM: Interviews examined not only the existing liaison structures at DHS, NORTHCOM, and NGB, but also on an interagency task force and coordination group.

Questions were prepared beforehand. The questions were specific to the agency and position of each individual. During the interviews, notes were taken. They were used to prepare a summary of each individual's perspective and response to the questions. Based on interview input, additional research was iteratively conducted into current policy, practice, relevant legislation, and legislative efforts underway.

Once the interviews were completed, a qualitative content analysis was conducted to develop overarching themes and subthemes. The themes were analyzed and several policy and process recommendations, specific to improving National Guard interagency coordination, were developed. The primary focus for the recommendations is: deepening NGB/DHS relationships.

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## II. LEGAL, REGULATORY, AND POLICY ISSUES

A review of the legal and regulatory structures and policy direction that control the Department of Defense, the National Guard, and homeland security is fundamental to determining the domestic operations role of the Guard. Legal authorities for domestic operations are variously described as: well defined and limiting for the role that the military can play,<sup>31</sup> or a confusing patchwork of laws that dictate DoD authorities, subject to interpretation dependent on the types of emergencies.<sup>32</sup>

### A. CONSTITUTIONAL AUTHORITY OF STATES

A core issue is the constitutional basis for States' Rights as they apply to the handling of disasters, federal response, and the use of the National Guard. The Tenth Amendment to the Constitution states "[t]he powers not granted to the United States by the Constitution, nor prohibited by it to the states are reserved to the states, respectively, or to the people."<sup>33</sup> Beyond Article 10 in the Constitution, the preponderance of States' Rights law is contained in case law. It is beyond the scope of this thesis. States' Sovereignty, then, provides the basis for the management of disasters. The local nature of the event places the onus for its resolution on the Governor of the State, who serves as commander in chief of his National Guard.

The role of the federal government to deal with external threats is clearly defined. It is a primary role of the military.<sup>34</sup> However, domestic threats are not so specified and, therefore, considered to fall under the Tenth Amendment as a role of the states.<sup>35</sup>

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<sup>31</sup> Thomas R. Lujan, "Legal Aspects of Domestic Employment of the Army," *Parameters* 27, No. 3 (Autumn 1997), <http://www.carlisle.army.mil/usawc/Parameters/97autumn/lujan.htm>, (accessed January 2007), 82-97.

<sup>32</sup> Fred C. Ikle, *Defending the U.S. Homeland, Strategic and Legal issues for DoD and the Armed Services* (Washington, D.C.: CSIS Press, 1999), 16-18.

<sup>33</sup> United States Constitution, Amendment 10.

<sup>34</sup> United States Constitution, Article II, Section 2.

<sup>35</sup> Don Zoufal, *The Information Sharing Environment and Constitutional Protections*, (Monterey, CA, 2007), X.

This raises questions concerning NORTHCOM's role and the extensive planning to provide federal military forces during a catastrophic disaster.<sup>36</sup> The issue of unity of command and DoD operations, concurrent with State Guard operations, is under constant review.

An ancillary issue, then, becomes the authority of state officials to direct federal DoD disaster relief forces, and vice versa.<sup>37</sup> Proposals have included dual-hat command authority for State Guard officers and, for limited operational periods, placement in Title 32 and Title 10 status. This was shown to be effective during planned special events, but was not used by DoD during Hurricane Katrina.

#### **B. ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT**

The primary authorities for DoD domestic civil support operations come from the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5121 et seq).<sup>38</sup> Upon the request of the Governor of the State, the Stafford Act authorizes the President to provide federal assistance to state and local governments. This generally follows the declaration of emergency at the state level and, then, a Presidential declaration of federal disaster. The Act requires reimbursement to DoD for assistance provided — either by the local agency requesting the support or by the Disaster Relief Fund.<sup>39</sup>

Specific to the military, the President can authorize the use of military resources in three situations:

- Essential Assistance allows the President, at the request of the Governor, to use DoD resources specifically to save lives and property for up to ten days without a declaration of emergency. This allows resources to be surged while declarations are prepared and enacted.

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<sup>36</sup> Tennis, Interview, January 3, 2007.

<sup>37</sup> Terry L. Scherling, Maj Gen, USAF, (Director, Joint Staff, National Guard Bureau). Interview with Author, Washington, D.C.: June 5, 2007.

<sup>38</sup> *Robert T. Stafford Disaster Relief and Emergency Assistance Act*, Title 42 (1988) § 5121.

<sup>39</sup> Keith Bea, *Federal Stafford Act Disaster Assistance: Presidential Declarations, Eligible Activities, and Funding*, Congressional Research Service, (Washington, D.C.: August 29, 2005), 4.

- Emergency Assistance from DoD can be directed by the President following a declaration of emergency. This declaration is requested by the Governor and requires demonstrated full use of the state's resources, including the National Guard. The Governor must request specific support.
- Major Disaster Assistance is similar to Emergency Assistance. However the large scale does not require specific support requests from the Governor. This allows for a broader immediate response.

DoD resources utilized under the Stafford Act are not exempt from the law enforcement prohibitions of the Posse Comitatus Act.<sup>40</sup>

### **C. MILITARY AUTHORITY; TITLE 10 VS. TITLE 32 STATUS**

Authority, responsibility, and roles of the military begin with the Federal Code. Title 10 covers the active duty military as well as the reserve components.<sup>41</sup> Title 32 speaks to the National Guard, including active duty National Guard (Title 32 status).<sup>42</sup> Both are broad based and supported by volumes of directives and policies at DoD and NGB.

When used in a state status by the Governor, the National Guard has no operational relationship to the Department of Defense. When used in federal/DoD status, the Guard role is more clearly defined under the statutes related to DoD and homeland defense and security.

Key to the flexibility of the National Guard for Domestic Operations is the ability to operate in one of three different and distinct legal statuses. This flexibility is a consequence of the Guard's dual roles as a shared state and federal military force.

- State Active Duty (SAD) is established under each state's law and is used for State Domestic Missions. Troops remain under State Command under the control of the State Governor, and operate with State Funding.

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<sup>40</sup> Jennifer K. Elsea, *The Use of Federal Troops for Disaster Assistance: Legal Issues*, Congressional Research Service, Washington, D.C., November 6, 2006, 5.

<sup>41</sup> Armed Forces, U.S. Code Title 10, secs, [http://www.law.cornell.edu/uscode/html/uscode10/usc\\_sup\\_01\\_10.html](http://www.law.cornell.edu/uscode/html/uscode10/usc_sup_01_10.html), (accessed January 2007), 101-104.

<sup>42</sup> National Guard, U.S. Code Title 32, secs, [http://www.law.cornell.edu/uscode/html/uscode32/usc\\_sup\\_01\\_32.html](http://www.law.cornell.edu/uscode/html/uscode32/usc_sup_01_32.html), (accessed January 2007), 904-907.

- Title 32 Duty Status (Title 32 USC) places the Guard forces in federal active duty status. They continue to remain under the control of the Governor, but are federally funded. As outlined in the discussion of Posse Comitatus, Title 32 provides some additional flexibility for Guard forces in federal status. Title 32 is also used for full-time active duty support of the Guard during non-deployed periods as well as to staff the Civil Support Teams.
- Federal Active Duty (Title 10 USC) is used to conduct federal worldwide missions. Units fall under federal command and use federal funding. Within the Insurrection Act, National Guard units can also be placed under federal command in the event of a Presidential Declaration. This occurred in certain southern states during the racial tensions of the 1960's and, again, during the Rodney King trial riots in California in 1992. When operating in a federal role on Federal Active Duty under the authority of Title 10 of the U.S. Code, the Guard is utilizing the same legal authority as the rest of the U.S. Armed Forces.

The nature of the mission dictates the optimum legal status to utilize. Guard personnel serving in SAD or Title 32 status remain subject to federal activation by the President. Additionally, NORTHCOM maintains situational awareness (SA) to facilitate coordination of domestic operation missions conducted in the same area or at the same time.

	<b>STATE ACTIVE DUTY</b>	<b>TITLE 32 AGR – IDT – AT – ADSW</b>	<b>TITLE 32 Homeland Security Mission</b>	<b>TITLE 10 Federal Active Duty</b>
<b>Command and Control</b>	Governor	Governor	Governor	President
<b>Who Performs Duty</b>	National Guard	National Guard	National Guard	Active, Reserves, National Guard
<b>Where Duty is Performed</b>	In-state or qualified out-of-state service	CONUS	CONUS	Worldwide
<b>Pay</b>	State pay	Federal pay & allowances	Federal pay & allowances	Federal pay & allowances
<b>Federal Reimbursement</b>	Stafford Act or Coop Agreement	Federal funds	Federal funds	Federal funds
<b>Posse Comitatus Limitations</b>	Does not apply	Does not apply	Does not apply	Yes
<b>Missions</b>	Determined by Governor	IDT, AT, AGR & others recognized by federal	IDT, AT, AGR & others recognized by federal	Federal only

Table 1. Duty Status Comparison<sup>43</sup>

#### D. NATIONAL GUARD CHARTER

In terms of directed authority for the National Guard Bureau to coordinate DSCA with other agencies (outside of DoD) or the states, there is none. The NGB Charter, developed in 1995, calls for NGB to facilitate and coordinate with the Departments of the Army and Air Force. However, it does not give them the authority to coordinate and facilitate interstate or multi-state deployments of National Guard troops.<sup>44</sup> Reacting to the

<sup>43</sup> Office of the General Counsel, Joint Force Headquarters, Texas National Guard, Duty Status Comparison Table.

<sup>44</sup> Commission on National Guard and Reserve, *Second Report to Congress*, (Washington, D.C.: Government Printing Office, 2007), 123.



realities of 9/11 and Katrina, NGB has structured a domestic operations' coordination capability. Under the Emergency Management Assistance Compact (EMAC) system, this focuses on facilitating interstate uses of Guard resources.

Further, the 1996 NGB civil support regulation fails to support the current environment. The regulation fails to include interagency coordination with the Department of Homeland security or NORTHCOM, planning within the National Response Framework (NRF), and planning within the National Incident Management System (NIMS).<sup>45</sup>

**E. POSSE COMITATUS, THE INSURRECTION ACT, AND THE WARNER DEFENSE ACT (2006)**

The civil liberty issue regarding use of the military in the homeland is as old as our country itself. Via the Constitution, the Founding Fathers worked to prevent a standing military force in the civilian population. Within this principle, the 1878 Posse Comitatus Act was enacted to control misuse of troops during the Reconstruction Era. In the Act, the active duty military is specifically prohibited from performing law enforcement activities (18 U.S.C. § 1385 - Use of Army and Air Force as Posse Comitatus):

Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a Posse Comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both.

By DoD regulation, the Posse Comitatus doctrine has been extended to the Navy and Marine Corps. The National Guard, as a state militia, does not fall under Posse Comitatus unless federalized. This law enforcement capability becomes a core argument for leaving them under the Governor's control during domestic operations.

The legislation does allow Congress to specify exceptions.<sup>46</sup> The Insurrection Act represents the primary exception. Under the Insurrection Act of 1807, the President has

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<sup>45</sup> United States Government Accountability Office, *Reserve Forces: Actions Needed to Identify National Guard Domestic Equipment Requirements and Readiness*, GAO-07-60 (Washington, D.C.: GAO, 2007), 4.

<sup>46</sup> Thomas R. Lujan, "Legal Aspects of Domestic Employment of the Army," *Parameters* 27, No. 3 (Autumn 1997), <http://www.carlisle.army.mil/%20usawc/Parameters/97autumn/lujan.htm> , (accessed January 2007), 82-97.

the authority to use federal troops and the militia (National Guard) to restore public order and enforce the law during “insurrection, domestic violence, unlawful combination, or conspiracy.”

In 2006, the act was significantly expanded by the John Warner National Defense Authorization Act for Fiscal Year 2007. Following the public debate between the Governor of Louisiana and the President during Hurricane Katrina concerning the use of the National Guard, the Warner Defense Act included a section that expanded the President’s authority to include “...natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident, or other condition in any state or possession of the United States, that the President determines that domestic violence has occurred to such an extent that the constituted authorities of the state or possession are incapable of maintaining public order...”<sup>47</sup>

This section allows the President to use federal troops for law enforcement during disasters other than those specified in the Insurrection Act. Opposed by all 50 Governors, the legislation was felt to undermine the state’s authority and expand the President’s power and opportunity to federalize National Guard units for domestic operations.<sup>48</sup> Opposition was strong enough that the section was subsequently repealed in the National Defense Authorization Act of 2008.

## **F. LEGISLATIVE REFORM ACTIVITIES**

### **1. Commission on National Guard and Reserve**

Authorized in the Ronald Reagan National Defense Authorization Act of 2005, the Commission on the National Guard and Reserves (CNGR) was established to examine the full spectrum of Guard and Reserve operations and policies. Another purpose was to make recommendations on how the Guard and Reserve program should be changed to best serve the Nation. Developed over a three year period, the Commission’s conclusions, findings, and recommendations are detailed in four reports. The first report focused on Commission structure and methodology. The second report contained 23

<sup>47</sup> John Warner National Defense Authorization Act for Fiscal Year 2007, H.R. 5122, Division A, Title X, Subtitle E, Section 1042, "Use of the Armed Forces in Major Public Emergencies."

<sup>48</sup> National Governor’s Association, *Letter to Senator Frist, Senator Reid, Speaker Hastert and Representative Pelosi*, August 31, 2006, <http://www.nga.org/portal/site/nga/menuitem.cb6e7818b34088d18a278110501010a0/?vgnextoid=0a05e362c5f5d010VgnVCM1000001a01010aRCRD>, (accessed March 13, 2007).

interim recommendations, some of which were subsequently captured in the National Defense Authorization Act of 2008 (NDAA) (see next section). The third report contained an analysis and discussion of the National Guard Empowerment Act introduced in Congress in 2006.<sup>49</sup>

The final report contains six major conclusions and makes 95 recommendations. It is supported by 163 findings. Specific to this thesis, the second major conclusion is focused on “Enhancing the Defense Department’s Role in the Homeland.” The Commission concluded that DoD must recognize its responsibility for catastrophic response in the homeland and improve its capabilities and readiness for that response. Furthermore, the Commission concluded that the National Guard and Reserves should play the lead role in supporting the Department of Homeland Security, and other federal agencies, in addressing the homeland security role.<sup>50</sup> The report continues to make multiple recommendations concerning increasing the Guard’s role in homeland security.

According to Commission Chairman Arnold Punaro, a retired Marine Corps General Officer, the Guard and Reserve should have the lead role in homeland security and the active duty forces should support that mission. He further acknowledges that that discussion of defined roles and missions for the reserves will meet major resistance in the Department of Defense.<sup>51</sup>

## **2. SECDEF Guidance on CNGR Recommendations**

Following the release of the second CNGR report, Secretary of Defense Robert Gates released a memorandum providing either policy or legislative implementation strategies for the 23 recommendations made by the CNGR. The Secretary’s support of the recommendations is further reflected in portions of the language found in the National Defense Authorization Act of 2008. This support is reflective of changing positions within DoD concerning domestic operations and the National Guard.

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<sup>49</sup> Commission on National Guard and Reserves, *Strengthening America’s Defenses in the New Security Environment, Executive Summary*, Washington, D.C.: March 1, 2007, xviii.

<sup>50</sup> Commission on National Guard and Reserves, *Transforming the National Guard and Reserves into a 21st-Century Operational Force, Executive Summary*, Washington, D.C.: January 31, 2008, 18.

<sup>51</sup> William H. McMichael, The Fight to Fix the Guard and Reserves, *Army Times*, March 19, 2007, 34.

### **3. National Guard Empowerment Act of 2007 and the National Defense Authorization Act of 2008**

Legislation to enhance the National Guard was introduced in 2006 as the National Defense Enhancement and National Guard Empowerment Act and reintroduced in 2007 as the National Guard Empowerment Act. The Act seeks to establish a stronger basis for National Guard support of the homeland security mission with three stated objectives:

- 1) Providing a stronger voice for the National Guard inside the Pentagon;
- 2) Improving homeland security by using the Guard to identify, validate, and fill civil/military and state/federal capability; and
- 3) Providing better integration and utilization of National Guard resources at NORTHCOM.<sup>52</sup>

The final version of the bill, folded into the National Defense Authorization Act of 2008, includes provisions that:

- Create a bipartisan Governors' council to advise federal agencies on National Guard matters;
- Directs the Chairman of the Joint Chiefs of Staff (CJCS) to determine the feasibility of adding reservist staff to NORTHCOM;
- Elevates the National Guard Bureau to a DoD joint activity;
- Elevates the Chief of the NGB to a four star general, serving as principal advisor to the SECDEF through the CJCS.<sup>53</sup>
- Legislates the responsibility for NGB to facilitate and coordinate Guard personnel and resources with NORTHCOM, JFCOM, other federal agencies, and the State Guards;
- Appoints a National Guard General Officer as Commander, or Deputy Commander, of NORTHCOM;

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<sup>52</sup> Patrick L. Leahy, Senator, *Remarks Of U.S. Sen. Patrick Leahy, Introduction Of The National Guard Empowerment Act Of 2007*, S. 430, January 30, 2007, <http://leahy.senate.gov/press/200701/013007a.html>, (accessed August 1, 2007).

<sup>53</sup> Jim Greenhill, SSG, National Guard Bureau, *National Defense Authorization Act empowers the National Guard*, (Washington, D.C.: January 31, 2008) [http://www.ngb.army.mil/news/archives/2008/01/013108-national\\_defense.aspx](http://www.ngb.army.mil/news/archives/2008/01/013108-national_defense.aspx), (accessed February 1, 2008).

- Calls for rewriting of the NGB Charter to reflect the evolved functions of the Bureau; and
- Calls for DoD to develop response plans for the national planning scenarios prescribed by DHS and the Homeland Security Council. Two versions of the plan are required: one using National Guard resources only and, two, using National Guard and active duty forces. The planning must identify a five-year resource plan for the military-unique capabilities identified in the planning process, including a budgetary request for those periods.<sup>54</sup>

Signed into law on January 30, 2008, the legislation begins a course of change for the Guard in the area of domestic operations. Full impact on Guard DSCA will evolve over the next two years as the plans are drafted and the budgeting process is begun.

#### **G. FUNDING**

To improve their effectiveness in the domestic operations mission, DoD and the National Guard (NG) require dedicated funding for domestic operations. Neither DoD nor the NG is directly funded for the mission. All operational funds for NG activities come from the state. If the President declares a disaster, there is a chance of federal reimbursement. Since 9/11, the NG has restructured itself as a joint entity (now designated as a Joint Activity by the NDAA). They are leaning forward to insure readiness to support the Nation's homeland security. The National Guard Bureau has taken all activities for defense support of civil authorities (DSCA), including interagency coordination, out of existing program funding. This funding is continuously subject to redirection based on shifting national and DoD policy and focus.

Funding for domestic operations should be designated solely for that purpose by Congress. These funds should include 'working capital' to fund preparedness activities as well as contingency funds to provide resources during an emergency.<sup>55</sup> Given the National Guard's availability for homeland security response, DoD should support

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<sup>54</sup> Public Law, National Defense Authorization Act of 2008, <http://thomas.loc.gov/cgi-bin/query/C?c110:/temp/~c110MehudQ>, (accessed February 1, 2008) 110-181.

<sup>55</sup> Peter Aylward, Brigadier General, (Deputy Director for Anti-Terrorism/Homeland Defense, DoD Joint Chiefs of Staff). Interview with author, Washington, D.C.: June 11, 2007.

legislation allowing funding for the Guard for these purposes.<sup>56</sup> Preliminary steps have been taken in the National Defense Authorization Act of 2008: Congress now requires an assessment and budget preparation for DSCA costs.

The National Guard role falls between the DoD Title 10 DSCA role and DHS with the state and regional disaster recovery and consequence management mission. They must identify shortfalls and capabilities and, then, the appropriate funding source to develop and provide those capabilities.<sup>57</sup> One suggestion was to consider using homeland security (DHS) funding for capabilities provided by the NG to address shortfalls identified in the national preparedness planning process.<sup>58</sup> The Coast Guard was also described as a potential funding model for National Guard domestic operations. USCG is funded by DHS during peacetime operations as a law enforcement agency. However, during wartime the USCG is dual-tasked with Title 14 and Title 10 authorities.<sup>59</sup>

Under NDAA, DoD is required to identify homeland security capabilities and to develop a budget to address them. Given the National Guard's availability for homeland security response, DoD should support funding for the Guard for these purposes.<sup>60</sup> Funding for domestic operations should further be designated solely for that purpose by Congress. These "fenced" funds should include working capital to fund preparedness activities as well as contingency funds to provide resources during an emergency.<sup>61</sup> Since the implementation of the Stafford Act follows a Presidential Disaster Declaration, the NG is in the position of responding in SAD. If the level of the event reached a declaration, each State Guard hopes there is available funding. This prevents the Guard

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<sup>56</sup> Rand Corporation, *An Army Strategy for Homeland Security*, Santa Monica, CA, 2004, 3.

<sup>57</sup> Scherling, Interview.

<sup>58</sup> Wesley McClellan, COL, Army National Guard, (National Guard Adviser, U.S. Northern Command). Interview with author, Boulder, CO, July 24, 2007.

<sup>59</sup> Tennis, Interview, January 3, 2007.

<sup>60</sup> Rand Corporation, *An Army Strategy for Homeland Security*, Santa Monica, CA, 2004, 3.

<sup>61</sup> Aylward, Interview.

from anticipating and providing timely support.<sup>62</sup> One approach to this operational issue is to budget Title 32 funds specific to domestic operations directly to each state to operate.<sup>63</sup>

In terms of legal issues, the lack of clear authorities for DoD and the National Guard for homeland defense and security will delay implementation of any interagency initiatives to improve preparedness. The lack of legal basis for funding, and subsequent lack of funding, is particularly problematic. Once funding is allocated, the DoD multi-year budget cycle will impact actions. If DoD embraces the opportunity and fully implements the changes addressed in the law and their intent, the NDAA has the potential to address some of the core issues.

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<sup>62</sup>Patrick J. Tennis, COL, Army National Guard, Director of Strategic Plans and Policy (J5), National Guard Bureau, Interview with author, Washington, D.C.: May 11, 2007.

<sup>63</sup> Scherling, Interview.

### III. DEFENSE SUPPORT OF CIVIL AUTHORITIES (DSCA) AND DOMESTIC OPERATIONS

The Department of Defense (DoD) has a clearly defined role in homeland defense and security (HD/S). DoD prioritizes the defense of the homeland and details an active, layered global defense in depth (Figure 3-A). The layers include forces across the world, the approaches to the United States, space, and within the U.S. itself.

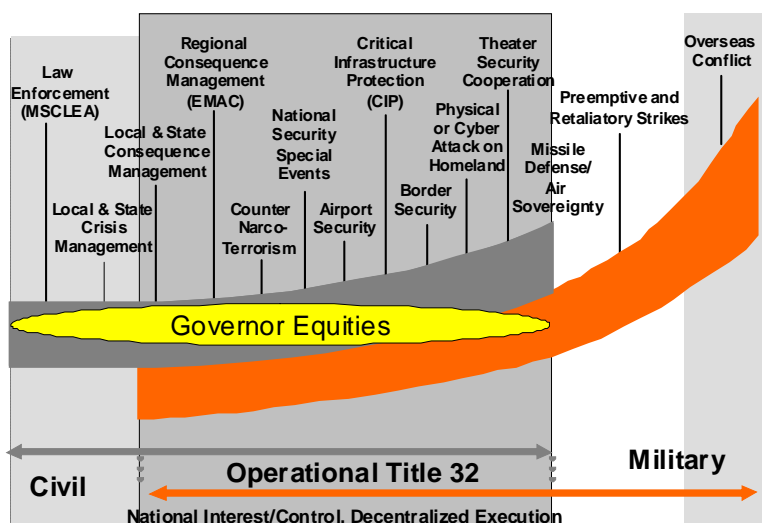


Figure 1. Homeland Defense in Depth

The homeland defense mission encompasses conventional and asymmetric threats. Conventional threats are an attack against the United States by an organized military. Asymmetric threats, or threats from a small force against a weakness in a large force, include information warfare, terrorism, and use or threatened use of weapons of mass destruction (WMD). International and transnational concerns include the border control issues, as well as, securing transportation, but there is equal concern for an understanding of the impacts of foreign activities on possible threats at home.

With the organizing concept of: 1) conducting military missions, 2) providing support to civil authorities, and 3) enhancing DoD's partners' homeland defense and security (HD/S) efforts, DoD identifies key objectives for HD/S. Two of those objectives,



supporting consequence management of CBRNE attacks and improving national capabilities for homeland defense and homeland security, are specific to domestic operations. Further, DoD prioritizes the homeland defense mission above the civil support mission.<sup>64</sup>

Support for the civil authorities is provided as Defense Support of Civil Authorities (DSCA). The missions are conducted by Federal and National Guard forces. In this case, the National Guard performs most of the mission areas shown as falling under the state's constitutional authority (Governor's Equities, Figure 1). Deploying as a state force at the direction of the Governor, the National Guard is the de facto initial responder for the Department of Defense. Arriving during the first few hours of an incident, National Guard resources begin to assess the damage and advise what resources can be provided to assist the local civil authority. While the role for the National Guard in that mission is yet to be clearly defined in DoD policy, the National Defense Authorization Act of 2008 (NDAA) now requires that DoD plan the NG role.<sup>65</sup>

When directed to do so by the President or the Secretary of Defense under the National Response Framework, DoD provides DSCA. As such, following a presidential declaration of emergency, the Stafford Act is the trigger for initiating federal agency support for local and state requests.

DSCA is defined as:

Department of Defense support, including military forces, civilian and contractor personnel, and DoD agency and component assets, for domestic emergencies, designated law enforcement and other activities.<sup>66</sup>

Domestic operations describe missions conducted by DoD in support of civilian authority within the United States and its territories. These domestic operations cover a variety of threats or contingencies. DoD has developed capabilities and is preparing to

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<sup>64</sup> Department of Defense, *Strategy for Homeland Defense and Security*, (Washington, D.C.: June 2005), 1-4.

<sup>65</sup> Tennis, Interview, May 11, 2007.

<sup>66</sup> Department of Defense, Office of the Assistant Secretary for Homeland Defense and America's Security Affairs webpage, [http://www.defenselink.mil/policy/sections/policy\\_offices/hd/faqs/defenseSupport/index.html](http://www.defenselink.mil/policy/sections/policy_offices/hd/faqs/defenseSupport/index.html), (accessed September 20, 2007).

address each one. Its understanding of the potential range of threats and concerns has expanded. As DoD plans for the range of domestic operations and threats they may face, this expanded definition has positive impact.

A key element of DoD provision of DSCA is the National Guard. With a state mission to provide a military resource to the Governor, the Guard deploys routinely to disasters. While each state's Guard is subordinate only to the Governor, National Guard Bureau is tasked with coordinating and regulating the Nation's militia.

#### **A. NATIONAL GUARD**

The National Guard is an element of the Department of Defense and has two missions — a federal mission as a reserve and a state mission as a militia (Figure 2).<sup>67</sup> Under the federal mission, each Guard unit is organized, trained, and equipped as Army or Air Force units so that they can be readily integrated into the force structure when they are mobilized. During times of war or national emergency, Guard units are subject to activation and utilization by the federal government. They, also, provide strategic reserve for the Department of Defense to sustain long-term military operations.

For domestic operations, the federal mission can only occur when the President mobilizes elements of the Guard. They are, then, placed in Title 10 active duty status. At that point, they become federal troops. This is rare, but, in modern times, it has occurred on two occasions: in 1957 to support school integration and in 1992 at the Rodney King riots in California.<sup>68</sup>

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<sup>67</sup> National Guard Bureau, Army Campaign Plan, (Washington, D.C.: May 9, 2007), 6.

<sup>68</sup> Tennis, Interview, January 3, 2007.

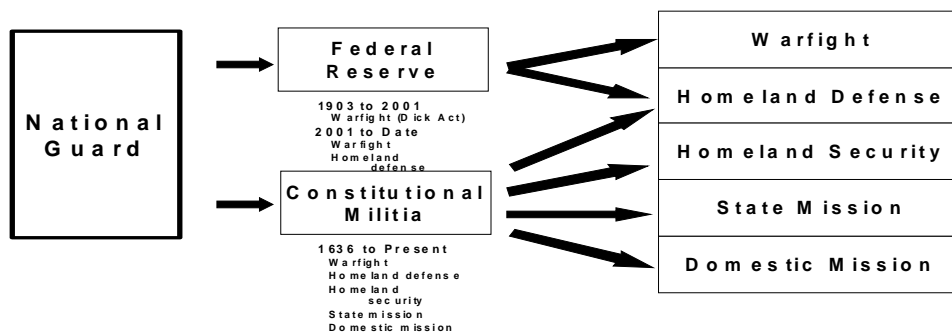


Figure 2. National Guard Missions

The second mission is to serve the state during times of emergency — whether naturally caused or man-made. In this mission, and unless activated for federal duty, the Guard is directly subordinate to the Governor of the state.

The National Guard must be fully capable of conducting both missions. Each unit must be prepared, as an Army or Air Force unit, to perform its role in the warfight. But today's environment also calls for them to be trained and equipped to provide homeland defense, homeland security, consequence management, and domestic response capabilities. While the current Title 10 focus is on warfighting, the Title 32 and State Active Duty missions must drive reform to enable unit preparedness for DSCA.<sup>69</sup>

The Guard continues to plan and prepare for natural and manmade disasters, collapse of critical technical infrastructure, and civil unrest and disturbances. However, they have expanded their thinking to recognize that, in the Global War on Terrorism, United States soil is now part of the battlefield. The Guard must now prepare for the full range of conventional and asymmetric threats to the country. As the world's only superpower, we now face an asymmetric enemy. Whether it is nation-state engagement with cyber warfare or terrorists with the power of a nation-state using weapons of mass destruction or hijacked aircraft, we now must insure that we have the ability to manage

<sup>69</sup> Scherling, Interview.

the consequences of an attack on American soil.<sup>70</sup> Lieutenant General H Steven Blum, Chief of the National Guard Bureau (CNGB), recognizes that domestic operations is all part of the same war. Preparedness for consequence management following an attack on the homeland is as important as the ability to project global military power.<sup>71</sup>

In terms of homeland defense and security, this puts the onus on the Guard to conduct extensive planning and preparation for a consequence management mission within their respective states. Likely the largest single force capable of mobilization within the state, the Guard has to be postured to respond and support civil authorities during natural or man-made disasters.

While their role in response is crucial, The NG cannot be a first responder. The Guard, with the exception of the Civil Support Teams located in each state and territory, is a reserve force that must be activated and begin response from their homes and workplaces. However, the Guard has positioned itself to exercise early Title 32 authority – leaning forward prior to landfall to pre-position resources to begin immediate rescue and recovery operations. Initial elements can arrive in a few hours. This can be followed by substantial force packages in 12-24 hours.<sup>72</sup> As an example of actions being taken by the various states, the Maryland Adjutant General has directed that the Maryland National Guard be capable of providing an initial response within 90 minutes and a follow-on force within four hours of notification.<sup>73</sup>

There are four likely response scenarios for utilization of the National Guard:

- 1) Local response. State response for an emergency contained within the state.
- 2) Regional Response. Interstate response to support a neighboring state, another State Guard under EMAC, or a similar interstate agreement. The recent ice storms in the Northeast are a good example of regional disaster response.

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<sup>70</sup> Aylward, Interview.

<sup>71</sup> Tennis, Interview, May 11, 2007.

<sup>72</sup> Tennis, Interview, January 3, 2007.

<sup>73</sup> Joint Force Headquarters, Maryland National Guard, Maryland National Guard Joint Operations Plan for Defense Support to Civil Authorities/Homeland Defense, (November 1, 2006), 6.

- 3) National Response for a major catastrophe. Interstate response to support a neighboring state, another State Guard under EMAC, or a similar interstate agreement. Hurricane Katrina is the best example of this level of response.
- 4) National or international response after federalization. Federal use of Guard units under presidential order. Guard units are currently federalized and deployed in support of operations in Iraq or Afghanistan.

Of critical note, the National Guard responds to state emergencies far more frequently than federal DoD resources are utilized. This occurs for three reasons:

- 1) The threshold for an emergency to become a presidential-declared emergency is much higher than that required for a Governor to declare a state level emergency and use the state's National Guard for support.
- 2) Guard units are in armories in over 3,000 communities.<sup>74</sup> As such, they frequently respond immediately to work to save lives and property.
- 3) The Guard normally responds as a state resource before the federal declaration process has occurred and is already engaged once the federal response begins.

There is an average of 11,000-14,000 Guard soldiers serving in State Active Duty (SAD) at any given time throughout the year. They support the state missions at the direction of their Governor. These soldiers are conducting domestic operations; homeland security and support missions that never reach the level of federal intervention.<sup>75, 76</sup> A sampling of current state active duty missions that were ongoing during April, 2007:

- New York: Security missions and command and control at train stations; Metropolitan Transportation Authority; JFK and LaGuardia airports; and providing key asset and infrastructure protection at nuclear power plants. This is an on-going mission, Operation Empire Shield, that began on September 12, 2001 in response to the terrorist attacks.

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<sup>74</sup> Blum, Keynote address.

<sup>75</sup> Kelly McKeague, Brigadier General, (Director, Maryland National Guard Joint Staff). Interview with author, Reisterstown, MD, June 9, 2007.

<sup>76</sup> Prawdzik, Christopher, Editor, Another Conversation with Lt. Gen. H. Steven Blum, National Guard, Vol. 61, Number 5, May 2007, 23.

- Louisiana: Special response team in New Orleans to support the police department for Operation Crescent Guard; conducting roving patrols and static checkpoints.
- California: Force protection for several key installations.
- New Jersey: Security and infrastructure protection of key assets at nuclear power generation plants.
- Iowa: Winter storm response operations in Burlington; mission is to provide generator power support and water missions.
- Massachusetts: Security and infrastructure protection of key assets at a nuclear power plant.
- Kentucky: Water purification for Knott County due to a county-wide water shortage.
- New Mexico: Furnishing potable water and equipment to various communities as a result of annual drought conditions.
- Florida: Supporting Florida Division of Law Enforcement assisting with assessment of Florida's seaport inspection program.
- Hawaii: Earthquake recovery efforts on the west coasts of Hawaii and Maui.<sup>77</sup>

There are efforts underway in each state's Guard to prepare for the full spectrum of domestic operations. Following the attacks of September 11, 2001 and the catastrophic effects of Hurricanes Katrina and Rita, it became increasingly important that states have a robust response capability. The National Guard conducted the hurricane support mission without ever being federalized during Hurricane Katrina. Approximately 50,000 troops from 23 states served under the Governors of Mississippi, Louisiana, Texas, Alabama, and Florida to meet the local support requirements.

Guard support to civil authorities potentially occurs in two mission areas — scheduled support and disaster response. Scheduled support can range from support at a special event requiring a military presence to extended operations at the Southwest border. For this mission, duration is typically days to months, but the border operation is

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<sup>77</sup> Blum, Keynote address.

currently scheduled as a 3-year mission. Disaster response, on the other hand, requires not only general purpose forces, but also requires specialized teams that depend on the capabilities required. Duration of these missions is typically hours to days. However, there are still National Guard security troops on the ground in New Orleans.

Central to each state's preparation is to identify the critical and essential organizations, equipment, and training that would be necessary to accomplish the full range of potential domestic missions. To achieve this, ten essential capabilities have been established in each state:

- The State Joint Force Headquarters (1) is a joint, interagency, intergovernmental headquarters designed to manage operations and receive, stage, and integrate reinforcements from other states and federal forces.
- The Civil Support Team (2) provides WMD detection and advisory capabilities.
- Maintenance (3), Aviation (4), Engineer (5), Medical (6), Communications (7), Transportation (8), Logistics (9), and Security (10) represent the kinds of personnel and unit capabilities that have application to virtually all disasters. Every state has these in either its Army or Air National Guards. These capabilities are drawn from the state's existing units. Robustness of these capabilities will depend on a given state's force structure and may require neighboring state support.

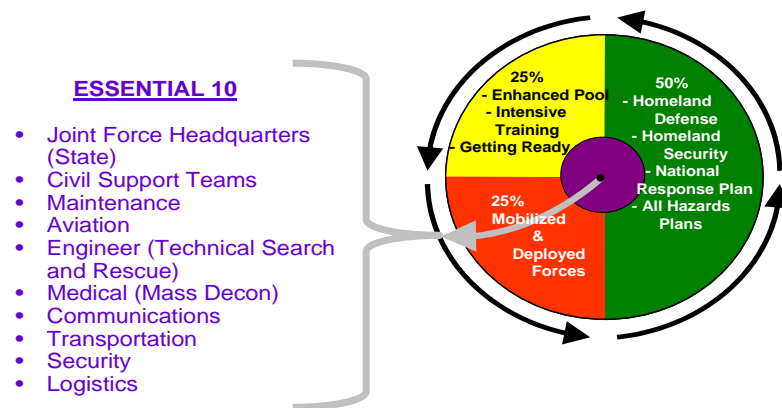


Figure 3. National Guard Essential Capabilities

Under current DoD policy, National Guard units are planned for deployment on a five-year cycle. Figure 3 indicates that the intent is that a state always has these capabilities on hand, regardless of unit mobilizations. To insure preparedness for the state mission, the operational deployment construct reserves 50% of any Guard within the state to provide capability for domestic operations. This construct has not been compromised — not even during the time period in 2004-2005 when Guard resources represented a high percentage of troops committed to Iraq and Afghanistan.

#### **B. HOMELAND SECURITY NATIONAL GUARD MISSIONS**

The immediate threat following the attacks of 9/11 was assessed to be our transportation infrastructure. Air National Guard attack aircraft were immediately launched to stop any further air attacks on our cities. Army Guard troops were also deployed to protect our airports, rail terminals, and bus terminals from attack. To provide support, Guard units responded immediately to Manhattan and the Pentagon. The first secure communications from the World Trade Center site was over National Guard CST communications equipment.

Since 9/11, as part of “Operation Noble Eagle,” the U.S. Air Force has flown more than 42,000 missions and scrambled or diverted aircraft more than 2,100 times. They have provided combat air patrols (CAP), random patrols, and aircraft intercept



protection for large cities and high-valued assets in response to the increased terrorist threat. The National Guard has flown more than 70 percent of those missions.<sup>78</sup>

The National Guard has also assumed the responsibility of all ground alert sites and has placed troops in transportation hubs to support local law enforcement and the Transportation Security Administration (TSA). The Army Guard has now assumed the mission of providing ground based air defense coverage for the National Capital Region.<sup>79</sup>

In 2006, President Bush directed that border control efforts be increased in an effort to bring an end to a perceived open border and uncontrolled immigration into the United States — particularly from Mexico. He authorized nearly doubling the size of the Border Patrol and dramatically increasing their technological capability to detect illegal entry into the country. In May 2006, when it became clear that this initiative would take 3-5 years to complete, the President called for 6,000 troops to be deployed to the Southwest border as a stopgap measure to temporarily bolster Border Patrol efforts. The National Guard was tasked to provide the troops. Since then, over 9,000 National Guard service members from across the Nation have served in Operation Jump Start. They operate in Guard lead task forces in California, Arizona, New Mexico, and Texas. The Guardsmen are involved with surveillance, construction, and logistics support for the U.S. Customs and Border Patrol (CBP). They also free up 300 CBP agents for front-line field operations.

This is not the first National Guard (NG) border security mission. In the 1980's, Congress passed a law allowing for military support to law enforcement counterdrug efforts. Each State Guard established a Counterdrug Program and established activities based on the state's resources and threats. Since that time, National Guard troops have been deployed on a variety of missions. Primarily this has been construction and surveillance-oriented along the southwest border. In addition, Guard troops train and support local law enforcement in their counterdrug mission. This effort is two decades old and has contributed to the disruption of the drug flow across the border.

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<sup>78</sup> Blum, Keynote address.

<sup>79</sup> Ibid.

### **C. NATIONAL GUARD BUREAU**

The National Guard interface with the Department of Defense is the National Guard Bureau (NGB). The NGB is a joint activity of the Department of Defense tasked with administration of matters concerning the Army and Air National Guard. Because of the constitutional basis for each state's Guard, commanded by the Governor, NGB has no command and control authority over the individual State Guards. However, ultimate budget and regulatory authority reside within NGB. This makes a cooperative relationship essential for the State Guard's success. Additionally, NGB has the authority to publish regulations which dictate the manner in which each State Guard conducts its business.

There are three directorates in the National Guard Bureau: the Army National Guard, the Air National Guard, and the Joint Staff. The Army National Guard, with 350,000 soldiers authorized, is aligned with the Department of the Army and its force structure. The Air National Guard, with an authorized strength of 106,000 airmen, is aligned with the Department of the Air Force. Total authorized Guard force is 456,000 personnel.

In recent years, the National Guard has created a Joint Force Headquarters in each state to insure that domestic operations are coordinated between the Air and Army Guard forces. The National Defense Authorization Act of 2008 (NDAA) has also now assigned coordination of states responses to NGB. As part of that coordination, NGB serves as an Emergency Management Assistance Compact (EMAC) coordinator for states requesting NG support. EMAC is a congressionally ratified agreement that provides form and structure to nationwide interstate mutual aid. Once existing memorandums of agreement, that coordinate the use of neighboring states National Guard resources, are exhausted, EMAC becomes the primary source of non-federal assistance.<sup>80</sup> Further, the National Guard Bureau stands ready to deploy robust capabilities to affected states to include interoperable communications, operations center support, and public affairs augmentation to the Adjutant General and Governor.

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<sup>80</sup> Peter J. Quinn, LTC, Army National Guard, National Guard Fellow, Center for Strategic and International Studies. Interview with author, February 15, 2007.

#### **D. DOD AND NG DSCA RESPONSE**

To clarify roles and leverage-existing capabilities, the NG should assume leadership for domestic DSCA. The state mission of the Guard is homeland security. The Guard has been doing homeland security since its inception as a militia and is deployed routinely. This state mission, juxtaposed against the reluctance of the DoD to fully integrate the homeland security mission, makes the National Guard the natural point of focus for managing and conducting the DoD homeland security mission. Even during a catastrophic disaster, Title 10 forces may not play a pivotal role. While Lieutenant General Russell Honore was the face of the military during Hurricane Katrina, he led a force of only 10,000 soldiers. The remaining 50,000 Guardsmen were under control of the joint task forces established in each state. Guardsmen continued to support New Orleans during 2007.<sup>81</sup> As a further example, the concept of the Incident Command System (ICS), integral to civilian incident management under the National Incident Management System (NIMS), as required under HSPD-5 and the NRF, is alien to DoD. While DoD is slowly learning the system, primarily at NORTHCOM, the National Guard is making a focused effort to train all domestic operations staff nationwide in ICS.<sup>82</sup> DoD's continued resistance to National Guard DSCA leadership is repeatedly noted as incongruous by National Guard leadership.<sup>83,84,85</sup>

On September 11, 2001, the National Guard made an immediate transition from a strategic reserve, called upon only during national emergencies, to an operational reserve, supplementing on-going operations worldwide. But the policies, budget, planning, and thinking at DoD remain in the strategic reserve paradigm.<sup>86</sup> Last updated in 1987, the

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<sup>81</sup> McKeague, Interview.

<sup>82</sup> Richard Rowe, Major General, Commander, Joint Forces Headquarters-National Capital Region, *Defense Support to Civil Authorities in the National Capital Region after 9/11*, Presentation at Defense in Depth Against WMD Threats Conference, Chantilly, VA, January 31, 2008.

<sup>83</sup> Tennis, Interview, January 3, 2007.

<sup>84</sup> Quinn, Interview.

<sup>85</sup> William Ryan, COL, NGB Liaison Officer to FEMA Disaster Operations. Interview with author, Washington, D.C.: May 24, 2007.

<sup>86</sup> Blum, Keynote address.

DoD regulation governing the National Guard should be updated to fully define the homeland security responsibilities of the Guard.<sup>87</sup> These changes are now called for in the NDAA.

The National Guard is not a first responder, but the public demands that the Guard be a relevant, reliable, and ready force. Any discussion of whether the NG should be engaged in homeland security is a moot point. The President demonstrated his trust in the NG when he turned to them for Operation Jumpstart, the contribution of 6,000 troops to support the Border Patrol efforts to control the southwest border.<sup>88</sup> The actions of our Nation's leaders reflect the primacy of the NG in homeland security. Thus, our doctrine, and consequent training and operational development, should follow.

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<sup>87</sup> Tennis, Interview, January 3, 2007.

<sup>88</sup> Ibid.

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## IV. INTERAGENCY COORDINATION

The adage, “all disasters are local,” infers that response and recovery is a local issue. While the disaster is local, and the end result of recovery is a return to local normalcy, disaster response, in catastrophic events, is regional or even national. This dictates the need for a regional and national multi-agency coordination effort.

Interagency relationships are key to successful disaster response. Understanding the capabilities of different agencies at all levels of government and the process to access them is a core element of emergency management. An agency is defined as:

A division of government with a specific function offering a particular kind of assistance. In ICS [Incident Command System], agencies are defined either as jurisdictional (having statutory responsibility for incident management) or as assisting or cooperating (providing resources or other assistance). (National Incident Management System Glossary of Key Terms; U.S. Department of Homeland Security.)<sup>89</sup>

Interagency coordination is doctrinally defined by DoD as “the coordination that occurs between agencies of the US Government, including the Department of Defense, for the purpose of accomplishing an objective.”<sup>90</sup> Military domestic operations must be coordinated and integrated with activities of other agencies within or enroute to the disaster area. Interagency coordination is the cooperative effort and communication that accomplishes it.

Current DoD strategic doctrine details four capability themes for Homeland Defense and Civil Support: intelligence, surveillance, and reconnaissance capabilities; information-sharing; joint operational capabilities for homeland defense; and interagency (IA) and intergovernmental (IG) coordination.<sup>91</sup> This inclusion of IA/IG coordination, as a core capability theme, demonstrates the significance of this effort.

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<sup>89</sup> National Guard Bureau, *Interagency Coordination: The import of interagency and intergovernmental coordination for the Adaptive Battle Staff*, (Washington, D.C.: March 28, 2007), 3.

<sup>90</sup> Department of Defense, *Interagency, Intergovernmental Organization, and Nongovernmental Organization Coordination During Joint Operations Vol I*, Joint Publication 3-08, GL-10 (Washington, D.C.: March 17, 2006).

<sup>91</sup> Department of Defense, *Strategy for Homeland Defense and Security*, (Washington, D.C.: June 2005), 1-4.

Military operations are structured and doctrine driven. The interagency relationship is not. Vastly different missions and cultures require a degree of flexibility that may not relate well to a military organizational structure which emphasizes unity of command. The key to success is to focus on unity of effort. This insures that all agencies are working to overcome differences in cultures, structure, and processes to achieve a common goal. This can only be accomplished through close, continuous interagency coordination, and cooperation.<sup>92</sup>

The DoD interagency imperative is recognized in Joint Vision 2020. In this Joint Vision, it is a function of "U.S. forces operating unilaterally or with multinational and interagency partners to defeat any adversary and control any situation...."<sup>93</sup> An element of that imperative is the unity of effort that results from cooperation and coordination. This requires relationships that are built and maintained prior to operations. Operational focus then becomes actions and outcomes, rather than spending time on relationships."<sup>94</sup>

As a State Militia, the National Guard is organized as an asset of the Governor and works closely with other state agencies in preparation for the state mission. However, as demonstrated in Hurricane Katrina, few states are organized or resourced to manage a catastrophic response utilizing regional and national resources.<sup>95</sup> That level of organization requires multiple agency response and complex interagency coordination, cooperation, and communications.

For the National Guard Bureau, the task of interagency coordination falls to the Strategic Plans and Policy Directorate (J-5) within the NGB Joint Staff. Their mission includes representing the Chief of the National Guard Bureau (CNGB) in DoD,

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<sup>92</sup> Department of Defense, *Doctrine for the Armed Forces of the United States*, Joint Publication 1, VII-5. (Washington, D.C.: May 14, 2007).

<sup>93</sup> Patrick N. Kelleher, *Crossing boundaries: interagency cooperation and the military*, Joint Force Quarterly, Autumn 2002, 106.

<sup>94</sup> Institute for National Strategic Studies, "Beyond Jointness: The Civil Military Dimensions of Peace Operations and Humanitarian Assistance." Paper delivered at a conference held at Fort Lesley J. McNair (Washington, D.D.: National Defense University, June 1999).

<sup>95</sup> The White House, *The Federal Response to Hurricane Katrina: Lessons Learned*, (Washington, D.C.: The White House, 2006), 94.

interagency, intergovernmental, and non-governmental forums. “Initiate and maintain intergovernmental/interagency coordination” is also listed as a mission essential task area.<sup>96</sup>

#### **A. DHS PERSPECTIVE ON INTERAGENCY OPERATIONS**

The Department of Homeland Security (DHS), specifically the Federal Emergency Management Agency (FEMA), focuses on the value of strong partnerships within federal, state, and local agencies, non-governmental organizations, and private industry. These partnerships are a key support element for prevention, protection, response, and recovery from disasters.<sup>97</sup>

The National Response Framework (NRF) details five key principles as the basis for its national response doctrine: 1) engaged partnership, 2) tiered response, 3) scalable, flexible, and adaptable operational capabilities, 4) unity of effort through unified command, and 5) readiness to act. This response doctrine “defines basic roles, responsibilities, and operational concepts for response across all levels of government and with NGOs and the private sector.”<sup>98</sup> The NRF goes on to detail the critical nature of engaged partnership as a basis for preparedness. Preparedness is defined as the process of identifying personnel, equipment, and training requirements for responding to potential incidents. Through planning, training, exercises, resource management, and organization, preparedness seeks to build, sustain, and improve operational capabilities. As such, preparedness must be comprehensively coordinated across the full spectrum of potential response partners within and across jurisdictions.<sup>99</sup>

As preparedness evolves, it will more closely resemble integration than cooperation or coordination. The emerging concept of networked preparedness, that is a

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<sup>96</sup> National Guard Bureau, Joint Staff J-5 webpage, <http://www.ngb.army.mil/jointstaff/j5/default.aspx>, (accessed July 7, 2007).

<sup>97</sup> R. David Paulison, Director, Federal Emergency Management Agency, *Reforming FEMA: Are We Making Progress?*, Statement for the Record Before the United States House of Representatives House Homeland Security Committee Subcommittee on Emergency Communications, Preparedness, and Response & Subcommittee on Management, Investigations, and Oversight, (Washington, D.C.: February 28, 2007), 8.

<sup>98</sup> Department of Homeland Security, National Response Framework, (Washington, D.C.: January 2008), 8.

<sup>99</sup> Ibid., 9.



preparedness model that shares plans, capabilities, and innovation among federal, state, local, NGO, and private sector stakeholders, requires even stronger interagency relationships. Workload is distributed across all partners and investments and is jointly managed to build the network's capabilities.<sup>100</sup>

Following Katrina, interagency discord was noted as a contributor to delays in response and inefficient use of resources.<sup>101</sup> DHS uses a Coast Guardsman as the military advisor to the Secretary of DHS. While the Coast Guard has Title 10 authorities, it falls within DHS — not DoD.<sup>102</sup> With specified missions to work together and with dedicated resources, why is interagency coordination not reaching its potential? At the tactical level, the forces directly involved in civil-military operations make it work. At the strategic level, one of the functions of the Homeland Security Council (HSC) is to "...recommend to the President through the Assistant ways to improve coordination, cooperation, and communication among federal, state, and local officials and private and other entities ..."<sup>103</sup> It is at the operational planning level where the various issues of command and control, resource use, and budgeting become dysfunctional.<sup>104</sup>

There are a variety of efforts to insure, or at least promote, interagency coordination and cooperation. Even though they vary in degree of formality, from ad hoc informal associations to codified intergovernmental authorities, committees, coordinating groups, associations, councils, trusts, commissions, syndicates, consortiums, boards, and cartels, all serve to facilitate the interagency process. Depending on the nature of the interagency relationship and the role expected, DoD participates in these efforts. DoD commonly uses LNOs as a communication link with other agencies and has developed the joint interagency coordination group (JIACG) as a formal structure to manage interagency relationships and resources.

<sup>100</sup> David J. Kaufman (Deputy Director, Preparedness Programs, Federal Emergency Management Agency). Interview with the author, October 11, 2007.

<sup>101</sup> The White House, *The Federal Response to Hurricane Katrina: Lessons Learned*, (Washington, D.C.: The White House, 2006), 94-96.

<sup>102</sup> Tennis, Interview, May 11, 2007.

<sup>103</sup> White House, Homeland Security Council Executive Order, March 21, 2002, <http://www.whitehouse.gov/news/releases/2002/03/20020321-9.html>, (accessed August 12, 2007).

<sup>104</sup> James J. Carafano, "Herding Cats: Understanding Why Government Agencies Don't Cooperate and How to Fix the Problem," *Heritage Lectures*, No. 955, July 26, 2006, <http://www.heritage.org/Research/NationalSecurity/>, (accessed April 24, 2007).

## **B. JOINT INTERAGENCY COORDINATION GROUP**

A policy innovation from the Department of Defense, the Joint Interagency Coordinating Group (JIACG), is designed as a lead organization within a major command that provides oversight, coordination, and synchronization of multiple agencies' activities. These are all relative to that command.<sup>105</sup> As defined in joint military doctrine, the JIACG "is an interagency staff group that establishes regular, timely, and collaborative working relationships between civilian and military operational planners. Composed of USG civilian and military experts accredited to the combatant commander and tailored to meet the requirements of a supported combatant commander, the JIACG provides the combatant commander with the capability to collaborate at the operational level with other USG civilian agencies and departments."<sup>106</sup>

The JIACG is a key element in the planning process, providing regular collaborative support for interagency missions and activities. The JIACG is tasked to:

- Participate in deliberate and crisis planning, integrated with the civilian agencies planning efforts;
- Present civilian agency perspectives and capabilities;
- Facilitate information sharing across agencies;
- Improve interagency planning and execution;
- Exercise operational procedures with other JIACG agencies;
- Establish routine working relationships among interagency partners; and
- Work military-civilian issues.<sup>107</sup>

A subgroup of the JIACG is the Interagency Planning Cell (IPC). This cell can be organized to operate in a full-time status to provide continuous planning support and

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<sup>105</sup> United States Joint Forces Command Joint Warfighting Center, Joint Doctrine Series, Pamphlet 6, *Doctrinal Implications of the Joint Interagency Coordination Group (JIACG)*, (Norfolk, VA, June 27, 2004).

<sup>106</sup> Department of Defense, *Interagency, Intergovernmental Organization, and Nongovernmental Organization Coordination During Joint Operations*, Vol I, Joint Publication 3-08, II-14. (Washington, D.C.: March 17, 2006).

<sup>107</sup> Department of Defense, *Interagency, Intergovernmental Organization, and Nongovernmental Organization Coordination During Joint Operations*, Vol I, Joint Publication 3-08, II-20 (Washington, D.C.: March 17, 2006).

coordination during an exercise, contingency, or crises. The cell can be tailored based on the operational nature of the contingency. An example is adding health representatives during a pandemic flu outbreak.<sup>108</sup>

### **1. NORTHCOM JIACG Model**

NORTHCOM is the command authority for Department of Defense operations in the continental United States (CONUS). Recognizing the constitutional civilian authority, and the need to interact with the broad range of agencies that operate in CONUS, NORTHCOM has created an Interagency Coordination Directorate (ICD). This staffs the NORTHCOM Joint Interagency Coordination Group. The ICD's mission is to "facilitate the integration and synchronization of interagency activities to ensure mutual understanding and unity of effort."<sup>109</sup> In their role as airspace defense for CONUS, the North American Aerospace Defense Command (NORAD) is integrated into the NORTHCOM ICD mission.

The Interagency Coordination Directorate (ICD) is an independent entity answering directly to the NORTHCOM Combatant Commander (COCOM). This direct command relationship insures that the IC mission is not focused on a specific staff section area of interest (for example, S-4, Logistics). This direct relationship also avoids filtering of information by staff before it gets to the COCOM.

The NORTHCOM JIACG operates day to day, supporting operational planning & initiatives. The group provides interagency (IA) situational awareness, synthesizing IA information. They conduct IA assessments, and facilitate IA reach back, both within the group and with the non-residential group members.

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<sup>108</sup> Department of Defense, *Doctrine for the Armed Forces of the United States, Joint Publication 1, VII-6* (Washington, D.C.: November 14, 2000).

<sup>109</sup> Donna Burrell (JIACG Coordinator, US Northern Command). Interview with author, Boulder, CO, July 24, 2007.

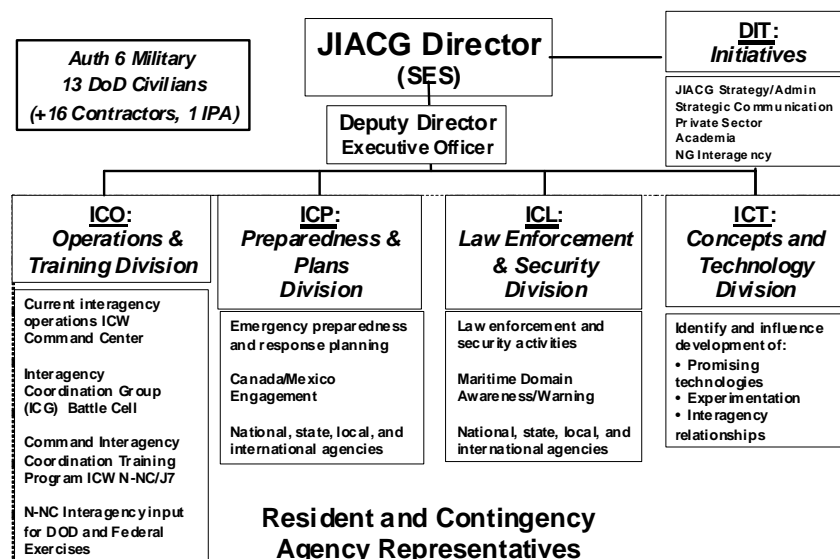


Figure 4. NORTHCOM Interagency Coordination Directorate

As required, the JIACG forms working groups for specific areas of interest. Examples are law enforcement, Defense Coordinating Officers and Federal Coordinating Officers, Pandemic Flu, Earthquake, Private Sector, and other interest areas.

During exercises or contingency operations, the JIACG also serves as an Interagency Coordination Group (also called a “Battle Cell”). The Interagency Coordination Group (ICG) is the IA coordination focus point for agency representatives. It provides the non-DoD perspective/picture to the Commander. The ICG also works to anticipate gaps or seams in capabilities that may lead to requests for DoD support.

The NORTHCOM JIACG is staffed by the Interagency Coordination Directorate. The senior civilian (SES – 5) Director, reports to the NORTHCOM Commander. Direct access to the COCOM of the Interagency Directorate is viewed as critical to its success.<sup>110</sup> The Directorate is further broken down into four divisions: Emergency Preparedness and Plans, Operations and Training, Law Enforcement and Security, and Concepts and Technology. These divisions coordinate specific JIACG operational areas

<sup>110</sup> Burrell, Interview.

and initiatives. A Domestic Initiatives Team addresses strategic and non-traditional approaches to integrating military and civilian resources and operations.<sup>111</sup>

## **2. NORTHCOM JIACG Members**

Because of the breadth of the mission, the NORTHCOM JIACG has a widely varied and robust membership. Table 2 shows a listing of those agencies. Members are either residential or non-residential. All resident positions noted by asterisks are agency employee representatives. All non-residential JIACG members are available locally, i.e., within the State of Colorado.

## **3. JIACG Concerns**

Interagency relationships are critical to the domestic operations mission. While the creation of a new coordinating mechanism within an agency will potentially enhance these relationships, this approach can also generate internal and external issues.

Past experience with the JIACG concept in DoD has exposed some potential weaknesses. Personnel turnover and loss of corporate knowledge and continuity is seen when agencies rotate representatives too quickly. This has to be overcome and the importance of staff continuity included in JIACG agreements.

The NORTHCOM JIACG experiences continuity issues. Assignment to an interagency role for a tour for either military or civilian staff is not always viewed as a career enhancer. This is because it takes staff out of their career mainstream. Additionally, personnel assigned may lack education or experience in domestic operations. Consideration should be given to creating an interagency career field to accommodate these continuity issues.<sup>112</sup>

The JIACG will have relationships that have cross-cutting impact on various other staff sections and divisions of the organization. The JIACG needs to recognize and respect the sections' authorities and responsibilities. Conversely, the staff sections must support the IA mission of the JIACG.

JIACG membership is typically taken from existing resources. Therefore, the value of the JIACG to the participating agencies must be measurable and assessed

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<sup>111</sup> Burrell, Interview.

<sup>112</sup> Ibid.

regularly to insure that there is a tangible return to the work product. Alternatively, the work product or the agency's role in the JIACG needs to be adjusted.<sup>113</sup> The JIACG should be staffed by planners and operators. This allows the JIACG to provide policy input and planning work products as well as provide mutual support during contingency operations.<sup>114</sup>

Operational and communications differences can make connectivity difficult. This is particularly difficult if the operation is conducted in a secure environment. A current example is the inability of the secure VTC systems of the DoD and DHS to communicate with each other. This difference can degrade the advantages that technology offers to operational planners.

### **C. LIAISON OFFICERS**

Another commonly used tool for interagency coordination is the use of DoD representatives, liaison officers (LNO), placed at key locations in other agencies. Liaison is a form of communication for establishing and maintaining mutual understanding and cooperation (National Incident Management System Glossary of Key Terms; U.S. Department of Homeland Security.) DoD adds “ensuring unity of purpose and action” to that definition (Joint Publication 1-02 DoD Dictionary of Military and Associated Terms).<sup>115</sup>

There are various agency expectations of LNOs. National Guard Bureau prefers to see “liaison” more as the function — rather than as a role. The LNO simply serves as a conduit for relationships and information.<sup>116</sup> In this model, the LNO is an enabler for requests for support.

Under the NGB Adaptive Battle Staff Model, the lead for the various liaisons shifts as the focus of the incident shifts. Initially the liaison effort answers to the planning directorate (J-5). In this case, the liaison is expected to establish relationships and

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<sup>113</sup> Department of Defense, Doctrinal Implications of the Joint Interagency Coordinating Group (JIACG), The Joint Warfighting Center, Joint Doctrine Series, Pamphlet 6, (Norfolk, VA: June 27, 2004), 3.

<sup>114</sup> Aylward, Interview.

<sup>115</sup> National Guard Bureau, *Interagency Coordination: The Importance of Interagency and Intergovernmental Coordination for the Adaptive Battle Staff*, Adaptive Battle Staff Training, (Washington, D.C.: March 28, 2007), 2.

<sup>116</sup> McClellan, Interview.

communications flow before the incident. Once an incident is foreseen, the lead for liaison shifts to the operations directorate (J-3 Future Ops), where relationships are enhanced and new ones created as required. When the incident occurs, the lead again shifts to the current operations group for on-going management.<sup>117</sup> This shift in command of the LNOs is occurring during on-going contingencies is confusing and inefficient. This will likely result in miscommunications and reduced effectiveness as the various LNOs realign themselves with different staff section missions and foci.

Joint Task Force - Civil Support (JTF-CS) is the element of NORTHCOM conducting planning and command and control for DoD CBRNE consequence management operations. The JTF has a broader concept for the use of their LNOs. Under a steady state (non-response) time, the LNO is expected to cultivate, sustain, and maintain regional partnerships through focused engagements with Defense Coordinating Officers (DCO), FEMA Staff, and NG State Joint Force Headquarter (SJFHQ) staffs. Their role is to coordinate and collaborate between regional and national DoD forces, maintain connectivity with DoD, federal, state and local officials, attend key CBRNE conferences, and participate in special events (such as Democratic/Republican Conventions and the Super Bowl). Once a response is required, the LNO becomes the JTF-CS commander's representative. As such he becomes a "Force Multiplier" (rather than an enabler) to the DCO, and his staff, and the Joint Field Office (JFO). He is further expected to synchronize DoD/JTF-CS capabilities with JFO requirements and provide critical JTF-CS linkage with requests for assistance (RFA) and the DoD mission assignment process.<sup>118</sup>

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<sup>117</sup> National Guard Bureau, *Interagency Coordination: The Importance of Interagency and Intergovernmental Coordination for the Adaptive Battle Staff*, Adaptive Battle Staff Training, (Washington, D.C.: March 28, 2007), 6.

<sup>118</sup> Patrick Stevens, *Understanding JTF-CS Operations in a CBRN Environment*, Presentation at CBRN Conference, McLean, VA, January 23, 2008.

Non DoD Agencies	DoD Agencies	Other Agencies	International Representatives
<ul style="list-style-type: none"> <li>• Dept of Homeland Security <ul style="list-style-type: none"> <li>◦ Sr. DHS Rep (SES) *</li> <li>◦ FEMA *</li> <li>◦ CBP/AMO *</li> <li>◦ TSA *</li> <li>◦ USCG *</li> </ul> </li> <li>• U.S. Public Health Service *</li> <li>• FBI *</li> <li>• Dept of Health and Human Services</li> <li>• Environmental Protection Agency</li> <li>• U.S. Dept of Agriculture</li> <li>• Director of National Intelligence *</li> <li>• Central Intelligence Agency *</li> <li>• Department of State *</li> <li>• Federal Aviation Admin*</li> <li>• Department of Interior (U.S. Geological Service, Bureau of Land Management)</li> <li>• Department of Energy *</li> <li>• Department of Commerce (National Oceanic &amp; Atmospheric Administration)</li> <li>• National Aeronautics and Space Administration</li> </ul>	<ul style="list-style-type: none"> <li>• Navy Sea Systems *</li> <li>• Naval Surface Warfare Center *</li> <li>• Office of Naval Intelligence *</li> <li>• National Security Admin *</li> <li>• National Reconnaissance Ofc*</li> <li>• National Geospatial Agency *</li> <li>• Naval Criminal Investigative Services *</li> <li>• National Air and Space Intelligence Center *</li> <li>• Missile Defense Agency*</li> <li>• Joint Theater Air and Missile Defense Organization*</li> <li>• Defense Threat Reduction Agency*</li> <li>• Dept of Veterans Affairs</li> <li>• Defense Planning and Operations*</li> <li>• Defense Logistics Agency*</li> <li>• Defense Information Systems Agency*</li> <li>• Defense Intelligence Agency*</li> <li>• Counterintelligence Field Activity*</li> <li>• U.S. Army Corps of Engineers*</li> <li>• National Guard Bureau*</li> </ul>	<ul style="list-style-type: none"> <li>• Academia (Naval Postgraduate School, National Defense University, the military academies, etc.)</li> <li>• Non-governmental agencies and private sector entities (American Red Cross, Humanitarian International Service Group, Professional Assns (e.g. National Emergency Management Assn, Assn of American Railroads))</li> <li>• Law Enforcement <ul style="list-style-type: none"> <li>- USSS,</li> <li>U.S. Marshals,</li> <li>Park Police, LE Assns</li> </ul> </li> <li>• National Laboratories (Sandia, Oak Ridge, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>• Canada Command Liaison Office</li> <li>• Canadian Department of Public Safety &amp; RCMP</li> <li>• Mexican Civil Response/Protection Organizations</li> <li>• Mexican Military Command</li> </ul>

Table 2. NORTHCOM JIACG Members<sup>119</sup>

<sup>119</sup> Burrell, Interview.



The business of the LNO is always tenuous. While he represents an agency, he is not empowered to change policy or, in most cases, commit resources. This is compounded when the LNO is representing an agency within an agency. For example, the NG LNO is not the DoD LNO. However, NGB is part of DoD. Additionally, agency LNOs have to be adequately staffed to influence the organization. Single LNOs function more as meeting organizers and are unable to provide planning and direct coordination support in a continuous manner.<sup>120</sup>

The success of an interagency liaison officer, even in an informal structure, is seen in the U.S. Southern Command (SOUTHCOM), where a representative of the State Department's Office of Foreign Disaster Assistance works with the SOUTHCOM staff during planning for disaster assistance. During contingencies, the LNO serves as a focal point to ensure coordination of assets and NGO capabilities. Though informal and ad hoc, this arrangement has proven to facilitate engagement and relief operations and is a starting point for a more structured institutional solution.<sup>121</sup>

### **1. Current NGB Liaison Structure**

The National Guard currently has liaison officers working with multiple federal agencies as well as multiple agencies, commands, and directorates within DoD. The National Guard LNO must represent and facilitate the interaction between that agency and the National Guard at the NGB level and, indirectly, with 50 National Guards in sovereign states and territories. In some cases, these liaison operations are structured and memorialized. In others, they are ad hoc based on reaction to an event or emerging issue. For example, there is a structured NG liaison cell at NORTHCOM headquarters. However, the NG presence at Joint Force Headquarters-National Capital Region is borne by the single representative from the District of Columbia National Guard on a temporary assignment. Because of the decentralization of the LNO control, the designated LNOs are not made fully aware of on-going projects and initiatives between NGB and DHS. This

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<sup>120</sup> Ryan, Interview.

<sup>121</sup> Patrick N. Kelleher, *Crossing boundaries: interagency cooperation and the military*, Joint Force Quarterly, Autumn 2002, 107.

decentralization also contributes to incomplete communications processes. This leaves the LNOs and NGB with an incomplete picture of requirements and opportunities for enhancing interagency collaboration.

The current NGB homeland security LNO structure is functionally based and decentralized. Different staff sections within the NGB Joint Staff have assigned staff members to agencies in an ad hoc manner based on that section's requirements and resources. Since the LNO assignments are not centrally managed, there is a lack of coordinated effort. LNOs may discover each other's activities as a matter of happenstance: they may encounter each other at a meeting within the agency.<sup>122</sup>

The NG LNO process is also not centrally managed. Assigned by different staff sections, in many cases the assignments are not screened to insure that the liaison officer (LNO) has the background to function in the external agency environment. Decentralization of the LNO staff has also led to incomplete communications across the LNOs concerning current NGB and DoD initiatives and policy directions. This contributes to misinformation as LNOs are not aware of the most current efforts underway in other agencies.<sup>123</sup>

The extent of the relationship between NGB and DHS is determined by the leadership within the two agencies.<sup>124</sup> If the National Guard is going to fully embrace the homeland security mission, then they need to fully engage with DHS so that their efforts are synchronized with DHS's efforts and capabilities requirements. It does not serve the Guard well to independently develop HS resources while DHS develops similar resources. Ultimately, the result is competition for missions and funding.<sup>125</sup>

Currently, the NGB LNO at DHS Headquarters is tasked with facilitating the flow of information between NGB and DHS. This position specifically coordinates the policy

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<sup>122</sup> Thomas D. Hook, COL, (NGB Liaison Officer to DHS Headquarters). Interview with author, Washington, D.C.: May 4, 2007.

<sup>123</sup> Hook, Interview.

<sup>124</sup> Scherling, Interview.

<sup>125</sup> Hook, Interview.

level interaction. The operational level interaction takes place at the agencies within DHS. For example, a NG LNO has been assigned to the FEMA Operations Directorate.<sup>126</sup>

The DHS National Operations Center (NOC) requires a continual contact with the National Guard Joint Operations Center. This is achieved in a virtual sense by using the Homeland Security Information Network (HSIN), integrated communications platform, email, and telephone contact between the NGB JOC and the DoD desk at the NOC.<sup>127</sup> This proves effective for maintaining situational awareness. However, the absence of a NG representative does not continuously incorporate the NG into planning or resource utilization.

At NORTHCOM, the DoD focal point for domestic operations, the National Guard advisory staff consists of four officers and a non-commissioned officer. There are over forty other Guard personnel assigned at NORTHCOM, but all have been assimilated into task areas and operations within the command not specifically related to Guard capabilities.<sup>128</sup> The liaison effort at NORTHCOM, despite a structured presence, has not resulted in closely coordinated interagency efforts between NGB and the command. Agency leadership perspectives are effecting changes that show improvements, but presence is not always an indicator of effectiveness.<sup>129,130</sup> Recognizing this potential disconnect between National Guard and active duty forces, the NDAA has directed DoD to re-assess NORTHCOM's staff for opportunities to increase Guard and reserve presence. Additionally, NDAA requires that a Deputy Commander of NORTHCOM be a NG General Officer.

The Department of Defense has recognized the importance of interagency coordination and has established doctrine that includes specific mechanisms. The JIACG is the most comprehensive, focusing on bringing external agencies into an organization

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<sup>126</sup> Hook, Interview.

<sup>127</sup> Kenneth Napier, MAJ, (CBRNE Operations Officer, NGB). Interview with Author, Washington, D.C.: May 4, 2007.

<sup>128</sup> McClellan, Interview.

<sup>129</sup> Ryan, Interview.

<sup>130</sup> McClellan, Interview.

focused on supporting the combatant commander and his mission. The NORTHCOM JIACG is particularly critical because NORTHCOM's mission is to support the civilian authorities, largely represented by the agencies on the JIACG. The National Guard has no comparable mechanism and could benefit from a structured long-term interaction with other homeland security agencies.

Liaison officers (LNO) are widely used by DoD and National Guard Bureau to provide expertise and representation at organizations within DoD and outside agencies. Units working in shared areas of responsibility will typically exchange LNOs to help insure communications and understanding of each other's missions. DoD has extended LNOs to homeland security agencies as well. However, their focus is coordination of active duty/Title 10 missions. The National Guard has established a homeland security liaison effort, but it lacks the depth or coverage to benefit the broad new responsibilities faced by NGB and each State Guard. The liaison staff is also not centrally managed to maximize their presence. A liaison organization, coordinated with an NGB JIACG, will enhance understandings of current Guard capabilities and provide guidance for future capability development.

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## **V. RECOMMENDATIONS FOR ENHANCING NGB INTERAGENCY COORDINATION**

Identified as the number one priority for the National Guard, homeland security, to include catastrophic disaster preparation, continues to be a focus for the transformation of Guard forces and missions.<sup>131</sup> To meet the extensive nationwide preparedness and response requirements faced by the Department of Defense and the National Guard, they must have extensive direct interagency (IA) coordination, collaboration, cooperation authority, and mechanisms. The failure of interagency coordination was noted during Katrina to contribute to inefficient resource use, and ineffective allocation of assets, leading to life-threatening delays in early stages of the response and recovery phases of the disaster. Increased efficiency and effectiveness for these critical missions demand comprehensive interagency relationship. NGB interagency coordination should include a direct relationship with the Department of Homeland Security (DHS) and other agencies operationally involved with homeland security. The Commission on National Guard and Reserve, the Secretary of Defense, and the Chief of the National Guard Bureau (CNGB) have recently directed increased IA coordination between DoD, NGB, and civilian agencies.<sup>132</sup>

Two potential mechanisms to improve that interagency coordination are the Joint Interagency Coordinating Group and centralizing liaison efforts in a Homeland Security Liaison Element. An additional consideration is to align NG equities at the regional level with the FEMA regional response organization. A final consideration is to refocus NORTHCOM to better integrate the interagency role. To limit the scope of this study, the focus of the thesis will be on the first three areas with only brief discussion of the NORTHCOM restructuring.

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<sup>131</sup> National Guard Bureau, Leadership page, Chief, National Guard Bureau, <http://www.ngb.army.mil/leaders/default.aspx>, (accessed July 21, 2007).

<sup>132</sup> Commission on National Guard and Reserve, *Second Report to Congress*, vi.; Department of Defense, *Implementation of the Recommendations from the Commission on the National Guard and Reserves*, May 10, 2007.

**A. NGB JOINT INTERAGENCY COORDINATING GROUP (JIACG)**

The National Guard responds annually to thousands of requests for local and regional support that do not reach the level of a Stafford Act request for DoD resources. These routine responses include support from other non-DoD federal agencies — most notably the Federal Emergency Management Agency (FEMA). Because of this regular response as a state resource, the Guard must maintain interagency relationships — particularly with DHS. To accomplish this, the National Guard has to develop mechanisms to insure that interagency relationships and operational constructs are in place.

The National Guard Bureau (NGB) should establish an NGB Joint Interagency Coordinating Group (JIACG). The JIACG potentially brings the NGB a broader understanding of the operating environment and the range of response options available. It provides a more in-depth situational awareness as well as a capability to reach back in a timely manner to fill in or enhance information needs.

The Guard has continuous monitoring and analysis responsibilities across a broad range of counterterrorist activities. To support these activities, the Guard needs information that: 1) helps prepare to save lives and property and recover critical infrastructure and the economy, 2) provides detection, assessment, and warning to prepare for protective action against terrorist attacks within the homeland, 3) supports their understanding of tactics, techniques, capabilities, and intentions of terrorists to assist in developing protective responses for the homeland, and 4) provides assistance in coordinating the response to acts of terrorism, natural disasters, or other emergencies. A lesson learned from a national exercise in 2007 (Ardent Sentry) is that there is still no general common operating picture (COP). All the agencies continue to operate semi-autonomously with field level operations driving operational reaction. A JIACG could serve as a mechanism to work through these types of problems.<sup>133</sup>

Due to a policy innovation from the Department of Defense, the Joint Interagency Coordinating Group (JIACG) is designed as a lead organization within a major command that provides oversight, coordination, and synchronization of multiple agencies'

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<sup>133</sup> Ryan, Interview.

activities, relative to that command.<sup>134</sup> JIACGs have existing doctrine and policy and have demonstrated success in IA environments.<sup>135</sup> The JIACG would be the core coordinating body for National Guard interagency planning and response at the national level for domestic operations.<sup>136</sup>

The mission of the JIACG will be to initiate and synchronize interagency (IA) activities and information exchange to insure unity of effort. The JIACG will support operational planning and initiatives, maintaining interagency situational awareness; conduct IA capability assessments; and provide IA reachback. As necessary, the JIACG will form working groups for specific disciplines (law enforcement, medical, and other disciplines) or address specific threats (pandemic flu, hurricane response, and other threats). JIACG strategies and operating procedures should be established collaboratively with the JIACG partners.

The NGB JIACG should attempt to mirror the NORTHCOM JIACG to encourage and simplify coordination and align the organizations for response planning and synchronization as responses grow beyond regional operations or incorporate non-National Guard DoD assets. Use of an existing model and expertise available to consult on start-up strategies will also simplify the initiation of the JIACG. Modeling a successful organization will also enhance understanding of partners who may be asked to participate in both groups. However, an NGB JIACG should focus on the operational level of interagency relationships. For example, DHS is a federal department and interacts at the policy level with DoD. FEMA is an operational element within DHS that works routinely with NGB during operations.<sup>137</sup> The JIACG should be adequately funded and resourced to establish the group and allow time for the group to form and mature. The group will become more effective over a multi-year period.

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<sup>134</sup> United States Joint Forces Command Joint Warfighting Center, Joint Doctrine Series, Pamphlet 6, *Doctrinal Implications of the Joint Interagency Coordination Group (JIACG)*, June 27, 2004.

<sup>135</sup> United States Joint Forces Command, *Doctrinal Implications of the Joint Interagency Coordination Group (JIACG)*, Pamphlet 6 (Norfolk, VA: Joint Warfighting Center, 2004), ii.

<sup>136</sup> Tennis, Interview, January 3, 2007.

<sup>137</sup> McClellan, Interview.



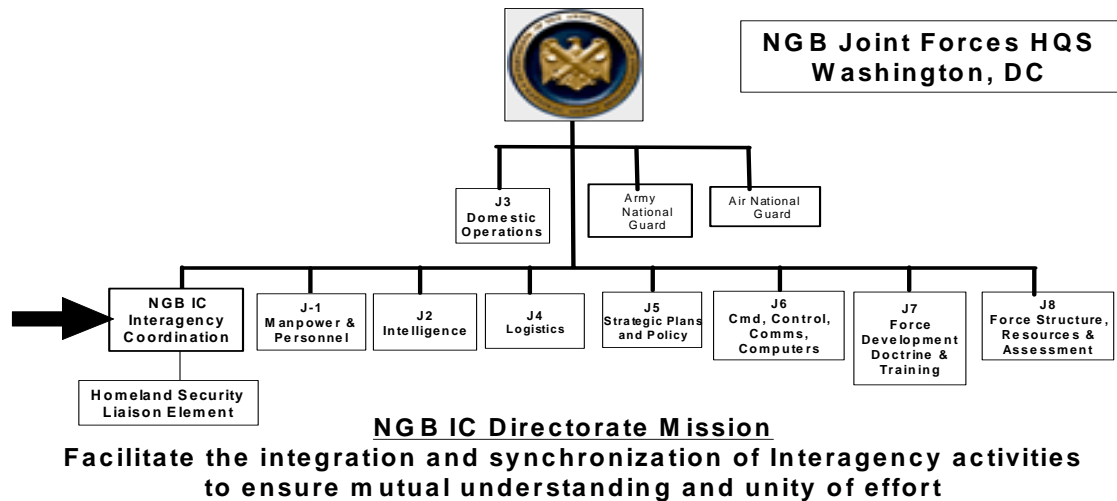


Figure 5. NGB Interagency Coordination Directorate

When activated for exercises or events, the JIACG will become an Interagency Coordination Center (ICC) to provide non-NGB perspective to the CNGB and Joint Staff. It will also insure that civilian agency response activities are tracked in the common operating picture to enhance planning and anticipating of resource requirements. The ICC will work as part of the command structure. It will support both current operations to maintain visibility of operations underway and future operations to provide planning inputs. The JIACG should be co-located with the NGB Joint Operations Center in the Washington, DC area to enhance NGB operational integration, streamline the ICC implementation, and simplify federal agency participation.

To minimize any influences or screening from other staff section, the JIACG will be staffed and directed by an independent staff directorate reporting directly to the Chief of the National Guard Bureau. This also allows the JIACG to reach across other staff sections to accomplish its mission. Consideration should also be given to using a senior DoD civilian for the director of the interagency effort. This brings the civilian perspective, an essential function of the IA mission, to the IA effort. The civilian can interact more readily with other non-DoD agencies and it eliminates rank-based pressure on the IA director.<sup>138</sup>

<sup>138</sup> McClellan, Interview.

## **1. NGB JIACG Organization**

Determining the organization and membership of the NGB JIACG is key to its effectiveness and ultimate usefulness. The decision of who should be represented on the group is not doctrinally established. Multiple factors, including frequency of interaction and criticality of relationships all need to be considered. Additionally, because NGB is an agency within the DoD, policy role (DoD) vs. operational role has to be a primary factor.<sup>139</sup>

The make-up of the group should be focused on operational level response, deferring to the NORTHCOM JIACG and DoD liaisons for policy level discussion and coordination. As such, the NGB JIACG representatives would constitute a subset of the NORTHCOM JIACG, representing the operational and response entities expected to interact in a regional response not reaching the Stafford Act threshold. The organization and operation of the NGB JIACG should reflect DoD policy and NORTHCOM operational design to maximize interaction and coordination between the groups.

One approach for JIACG participation is to look at the likely agencies that the National Guard will coordinate with to meet their responsibilities under the National Response Framework. This model assumes that a regional response, regardless of Stafford Act declaration, will be managed using the National Response Framework as a matter of best practice. The Framework organizes federal assistance into 15 Emergency Support Functions (ESF), Table 6. which details purpose, capabilities, and responsibilities (Coordinating Agency, Primary Agency(s), and Supporting Agencies). The Department of Defense is listed as a supporting agency for all Emergency Support Functions. The National Guard has a capability in each of these ESFs.

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<sup>139</sup> McClellan, Interview.

ESF #1 – Transportation
ESF #2 – Communications
ESF #3 – Public Works and Engineering
ESF #4 – Firefighting
ESF #5 – Emergency Management
ESF #6 – Mass Care, Emergency Assistance, Housing, and Human
ESF #7 – Resource Support
ESF #8 – Public Health and Medical Services
ESF #9 – Search and Rescue
ESF #10 – Oil and Hazardous Materials Response
ESF #11 – Agriculture and Natural Resources
ESF #12 – Energy
ESF #13 – Public Safety and Security
ESF #14 – Long-Term Community Recovery
ESF #15 – External Affairs

Table 3. EMERGENCY SUPPORT FUNCTIONS

## 2. National Guard Essential Capabilities

The National Preparedness Goal lists 36 target capabilities that are expected to be developed and maintained by regions or states. The National Guard can support all 36 target capabilities; however they have developed specific capabilities for 25 of them. Those specific capabilities are highlighted in the National Preparedness Target Capabilities List below.<sup>140</sup> The 25 capabilities being developed by the NG are then further sorted into the ESFs with the Coordinating and Primary Agency (s) responsibilities detailed. The National Preparedness Target Capabilities List or 36 target capabilities is as follows:

1. Animal Health Emergency Support;
2. **Chemical, Biological, Radioactive, Nuclear, Explosives (CBRNE) Detection**, (ESF 10 – EPA/USCG);
3. Citizen Preparedness and Participation;
4. **Citizen Protection: Evacuation and/or In-Place Protection**, (ESF 5 – FEMA), (ESF 13 – DOJ);
5. **Critical Infrastructure Protection**, (ESF 13 – DOJ);

<sup>140</sup> Department of Homeland Security, National Preparedness Goal (Washington, D.C.: March 31, 2005), 7.

6. **Critical Resource Logistics and Distribution**, (ESF 6 – FEMA);
7. **Economic and Community Recovery**, (ESF 14 – FEMA);
8. **Emergency Operations Center Management**, (ESF 5 – FEMA);
9. Emergency Public Information and Warning;
10. Environmental Health and Vector Control;
11. Explosive Device Response Operations;
12. Fatality Management;
13. **Firefighting Operations/Support**, (ESF 4 – USDA/USFS);
14. Food and Agriculture Safety and Defense;
15. **Information Collection and Threat Recognition**, (ESF 5 – FEMA);
16. **Information Sharing and Collaboration**, (ESF 5 – FEMA);
17. **Intelligence Fusion and Analysis**, (ESF 5 – FEMA);
18. **Interoperable Communications**, (ESF 5 – FEMA);
19. Isolation and Quarantine;
20. **Mass Care (Sheltering, Feeding, and Related Services)**, (ESF 6 – FEMA);
21. **Mass Prophylaxis**, (ESF 8 – HHS), (ESF 6 – FEMA);
22. **Medical Supplies Management and Distribution**, (ESF 6 – FEMA), (ESF 8 – HHS);
23. **Medical Surge**, (ESF 8 – HHS);
24. **On-Site Incident Management**, (ESF 5 – FEMA);
25. **Planning**, (ESF 5 – FEMA);
26. Public Health Epidemiological Investigation and Laboratory Testing;
27. **Public Safety and Security Response**, (ESF 13 – DOJ);
28. **Restoration of Lifelines**, (ESF 3 – Corps of Engineers);
29. **Risk Analysis**, (ESF 5 – FEMA);
30. **Search and Rescue**, (ESF 9 – DoD);
31. **Structural Damage Assessment and Mitigation**, (ESF 3 – Corps of Engineers);
32. Terrorism Investigation and Intervention;
33. **Triage and Pre-Hospital Treatment**, (ESF 8 – HHS);

34. Volunteer Management and Donations;
35. **WMD/Hazardous Materials Response and Decontamination**, (ESF 10 – EPA/USCG);
36. **Worker Health and Safety**, (ESF 8 – HHS).

The Chief of the National Guard Bureau is committed to providing what, he terms, the “essential 10” capabilities for homeland readiness.<sup>141</sup> Central to each state’s preparation is to identify the critically essential organizations, equipment, and training that would be necessary to accomplish the full range of potential missions here in America. To achieve this, ten capabilities have been initially established in each state. The NG “essential 10” capabilities for homeland readiness can be cross-matrixed against the ESF structure. The National Guard Essential Capabilities are as follows:

1. State Joint Force Headquarters for command and control, (ESF 5 – FEMA);
2. Civil Support Team for chemical, biological, and radiological detection, (ESF 10 – EPA/USCG);
3. Engineering assets, (ESF 3 – Corps of Engineers);
4. Communications, (ESF 2 – FEMA);
5. Ground transportation, (ESF 6 – FEMA);
6. Aviation, (ESF 5 – FEMA);
7. Medical capability, (ESF 8 – HHS);
8. Security forces, (ESF 13 – DOJ);
9. Logistics, (ESF 6 – FEMA); and
10. Maintenance, (ESF 6 – FEMA).<sup>142</sup>

By looking at the responsible agencies involved in each of the 25 National Preparedness Target Capabilities focused on by the National Guard and the NG 10

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<sup>141</sup> National Guard Bureau, 2007 National Guard Posture Statement (August 3, 2006), 3.

<sup>142</sup> Ibid.

Essential Capabilities, we are able to develop a list of operational agencies that the Guard would be utilizing. The capabilities-based model leads to the inclusion of the following federal agencies on an NGB JIACG:

- FEMA
- DOJ
- HHS
- DoD/ACE
- EPA
- USCG
- USDA/USFS

A similar analysis structure can be used to detail non-federal agency participants.

Some level of representation by DoD, specifically the NORTHCOM operational Joint Task Forces (JTF), should also be represented to integrate planning and coordinate response. These task forces, JTF-Civil Support, JTF-North, JTF-Alaska, and JTF National Capital Region, are standing organizations prepared to lead Title 10 responses to specific areas or types of incidents.

## **B. NGB HOMELAND SECURITY LIAISON ELEMENT**

To coordinate external relationships with civilian federal agencies, The National Guard Bureau should also establish a robust, centrally organized liaison management mechanism — a Homeland Security Liaison Element (HSLE). The HSLE should be organized as a section within the Joint Staff at NGB. It would provide a central focus for LNO assignments and communications with civilian federal agencies at the national and regional levels.<sup>143</sup>

The HSLE would be a component of the Interagency Coordination Directorate (Figure 5). This would centralize all interagency activities within this single staff directorate. Similar to a Special Operations Liaison Element (SOLE), the HSLE would coordinate, deconflict, and integrate NG resources with other agencies operations. The

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<sup>143</sup> Tennis, Interview, January 3, 2007.

HSLE Director is not in the agency's chain of command but accomplishes NG coordination by providing an NG presence and understanding of that agency.<sup>144</sup>

Because the homeland security center of gravity is DHS, NGB should supplement the limited liaison presence there and centralize the control of those liaison officers. There are currently two officers representing the National Guard at DHS. One serves at DHS headquarters; the second serves at FEMA headquarters. They spend the majority of their time coordinating meetings and staff interactions between NGB and DHS. While this is an active relationship, the lack of personnel assigned prevents the in-depth planning and operational coordination that will support successful consequence management during America's next catastrophic disaster. Agency LNOs have to be adequately staffed to influence the organization. Single LNOs are unable to provide planning and direct coordination support in a continuous manner.<sup>145</sup>

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<sup>144</sup> Department of Defense, *Doctrine for Joint Special Operations*, Joint Publication 3-05, III-10 (Washington, D.C.: December 17, 2003).

<sup>145</sup> Ryan, Interview.

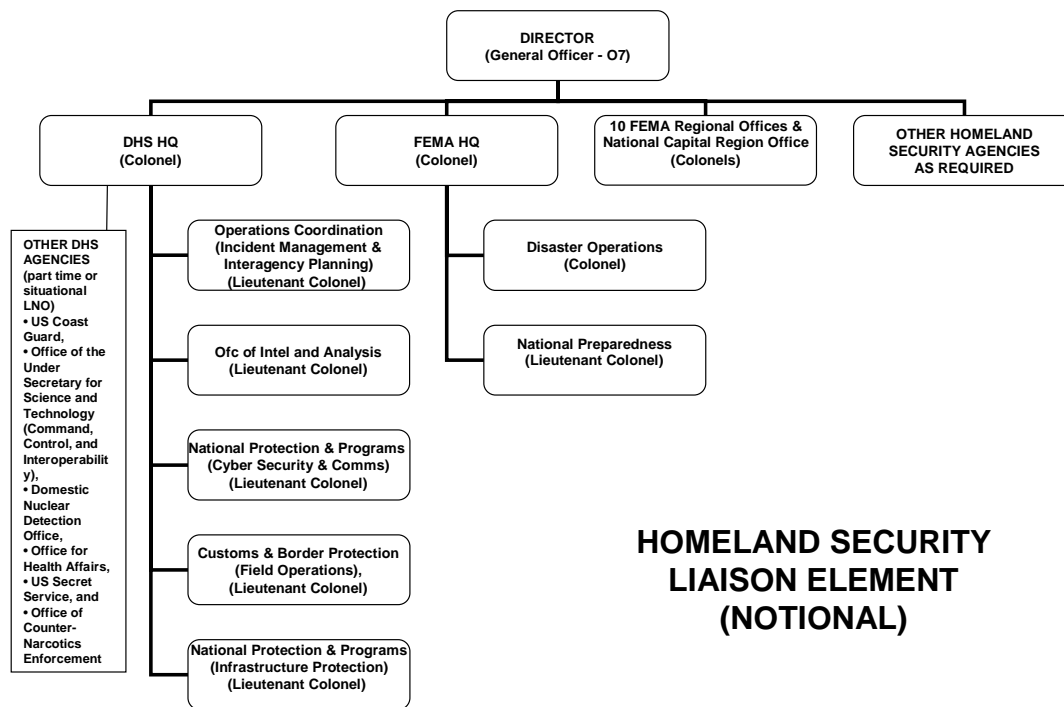


Figure 6. Homeland Security Liaison Element

There are nine areas where the NGB could support the homeland security effort by providing direct, continuous coordination with DHS (Figure 6). These are:

- DHS HQ
- FEMA HQ
- FEMA Disaster Operations
- FEMA National Preparedness (Exercises)
- Customs and Border Protection (Field Operations)
- Office of the Director of Operations Coordination (Incident Management and Interagency Planning)
- Office of the Assistant Secretary for Intelligence and Analysis



- Office of the Undersecretary for National Protection and Programs (Cyber Security and Communications) and (Infrastructure Protection).<sup>146</sup>

There are also number of DHS offices where an organized, routine interaction should take place, but do not require full-time engagement. These include:

- The US Coast Guard
- The Office of the Under Secretary for Science and Technology
  - (Command, Control, and Interoperability)
- The Domestic Nuclear Detection Office
- The Office for Health Affairs
- The US Secret Service
- The Office of Counter-Narcotics Enforcement.<sup>147</sup>

There are additional areas within DHS where there are frequent, but not continual, interoperability requirements. An example is the use of NG resources by the U.S. Secret Service (USSS) during national special security events. While these agencies do not require full-time LNOs, an individual should be assigned to serve as an agency representative and maintain continuity in use of NG resources. Additionally, project-specific action officers may be tasked for initiatives that can benefit from NG participation. An example is the Secure Borders Initiative at Customs and Border Protection. This will require additional LNO positions with multiple agency responsibilities.<sup>148</sup>

### **1. Redundancy**

If implemented, a robust NGB presence will create a level of redundancy between DoD and NGB LNOs at DHS. While this thesis has demonstrated the mission differences, there are ultimately core similarities between resource types and capabilities that will generate conflict between Title 10 and NGB planning and response. This will be

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<sup>146</sup> Hook, Interview.

<sup>147</sup> Ibid.

<sup>148</sup> Ibid.

confusing to the agencies where the two officers stand side by side with different concepts and authorities. Some level of conflict can be anticipated.

To avoid this, DoD and NGB will have to insure that clear guidance is provided to the LNO staff. NDAA requirements will help with this process. Staff selection will need to include parameters concerning interagency cooperation traits. Interestingly, the LNO to FEMA Disaster Operations is assigned from NGB J3 to DoD JDOMS, who then assigns him to FEMA. This may be a construct that avoids duplicative NGB and DoD LNO requirements. However, it provides a knowledgeable representative relative to NG resources and capabilities.<sup>149</sup>

Eventually the HSLE model could be expanded to a strategic alliance concept. The alliance would be established between the key response agencies; the Army Corps of Engineers (ACE), the U.S. Coast Guard (USCG), the National Guard Bureau, and FEMA. NGB would provide a senior staff officer and staff at each agency with an additional senior staff officer at each FEMA region. These coordination elements would then interact directly with senior staff at each State Guard to insure coordination and collaboration is on-going at all levels.<sup>150</sup>

### **C. AN ALTERNATIVE – ALIGNMENT OF NG COORDINATION WITH FEMA REGIONAL FOCUS**

While the focus of this paper has been to enhance interagency coordination at the national level, specifically the National Guard Bureau, there is an on-going process within the Department of Homeland Security to focus operationally at the regional level. The Federal Emergency Management Agency's regional structure represents the primary focus for that effort. This is a natural environment for the National Guard to focus its interagency coordination efforts.

The HLS Act of 2002 legislated that DHS propose a framework for regional operations. The George Washington University (GWU) HLS Policy Institute (HLSPI) Task Force (TF) and the Heritage Foundation conducted a study of regional preparedness. They found that a regional effort was required to best utilize significant existing local and state capabilities. Further, they found that a regional approach would

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<sup>149</sup> Ryan, Interview.

<sup>150</sup> Aylward, Interview.

insure that the right resources were provided in the right place at the right time.<sup>151</sup> The study determined that a strong regional structure, using FEMA Regional Directors, could conduct operations. This would leave the national government to stay focused on policy and “crisis management, “particularly in the event of multiple attacks across the country.” The study proposed that regional offices would “think broadly of anticipated needs during a crises by refocusing on the four categories of assistance; emergency services, infrastructure support, human services, and community recovery and mitigation that cut across all agencies and areas of government, rather than obsessing about narrowly drawn emergency support functions (ESF) or single agencies.” This regional effort should include regional offices with all relevant federal agencies and the National Guard, positioned together within current FEMA offices.<sup>152</sup>

The GWU task force proposed regional offices that:

- 1) Have the goal of enhanced preparedness coordination of state and local governments’ activities and federal agencies and working in key partnerships to identify critical gaps and communicate needs to DHS.
- 2) Complement a more robust and effective ICS at all levels of government to integrate effectively with regional responders.
- 3) Drive HLS professional development improvements, to include education, assignment, and accreditation requirements.<sup>153</sup>

Passed in 2006, the Post-Katrina Emergency Reform Act includes provisions relating to FEMA's regional structure. It also provides a renewed focus on the regions as the backbone for FEMA's relationship with state and local partners. This is an essential element for successful emergency management. Recognizing that disasters have a regional impact and disaster management requires regional efforts and resources. FEMA is also expanding capabilities at the regional level. It is increasing regional staff to insure interoperability and support. FEMA's 10 Regional Directors became Regional

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<sup>151</sup> Homeland Security Policy Institute, *Regionalizing Homeland Security: Unifying National Preparedness and Response*, George Washington University (Washington, D.C.: June 30, 2006).

<sup>152</sup> Ibid.

<sup>153</sup> Peter J. Quinn, Joint Intergovernmental-Interagency Coordination Group and Task Force Approach to Military Support to Civilian Authorities, U.S. Army War College, (Carlisle, Pennsylvania, May 2007).

Administrators.<sup>154</sup> It is FEMA's intent that their regional operations be the essential field component that is interacting directly with state and local governments.<sup>155</sup>

DoD has established support at the FEMA regional offices for defense support to civilian authorities (DSCA). A primary defense official is designated in each region, the Defense Coordinating Officer (DCO), who is supported by a Defense Coordinating Element (DCE). Typically, the DCO and DCE are not assigned full-time to the FEMA regional offices, working at alternate locations in other primary assignments. These positions are supported by Emergency Preparedness Liaison Officers (EPLO) at the regional and state levels who work with the emergency management structures to support and coordinate DoD requests for assistance. The EPLOs are reserve officers on-call for emergencies.

This local and regional response makes regional coordination a logical focal point for National Guard planning and operational coordination. Events extending beyond regional support will require additional DoD assets and coordination. That coordination is being planned at NORTHCOM. NORTHCOM has an existing program to facilitate coordination with the states. The State Engagement Program reaches out to establish relationships with the state emergency management agencies to prepare to provide DSCA support — if required. In many cases, this is redundant to the existing National Guard DSCA effort and structure within the state.<sup>156</sup> A considered approach, therefore, is to leverage NORTHCOM to provide the national level of DSCA support, while focusing National Guard assets at the regional level.<sup>157</sup>

Regional coordination takes the various states' operational plans into effect. Using either the Emergency Management Assistance Compact (EMAC) or existing memorandums of understanding between states or elements of state government, the

<sup>154</sup> Department of Homeland Security, Federal Emergency Management Agency Fact Sheet: FEMA/Preparedness Transition, [http://www.fema.gov/media/fact\\_sheets/prep\\_transition.shtm](http://www.fema.gov/media/fact_sheets/prep_transition.shtm), (Accessed August 29, 2007).

<sup>155</sup> R. David Paulison, Director, Federal Emergency Management Agency, *Reforming FEMA: Are We Making Progress?*, Statement for the Record Before the United States House of Representatives House Homeland Security Committee Subcommittee on Emergency Communications, Preparedness, and Response & Subcommittee on Management, Investigations, and Oversight (Washington, D.C.: February 28, 2007), 9.

<sup>156</sup> Quinn, Interview.

<sup>157</sup> Ibid.

state's National Guards have planned for sharing resources with neighboring and/or nearby states. Many states have existing memorandums of agreement that coordinate the use of neighboring states' Guard resources.<sup>158</sup> For example, the State of Maryland has an MOU between the National Guards of Maryland, the District of Columbia, Virginia, Delaware, Pennsylvania, and West Virginia.<sup>159</sup> Beyond those MOUs, National Guard Bureau serves as an EMAC coordinator for states requesting Guard support. This NGB coordinating role is enhanced in the NDAA.

### **1. Regional Definition**

An immediate question is "What regions should be used?" Four considerations encompass the argument. First, the various states have established relationships between their Guards via an MOU. These associations may be decades old and are exercised or renewed with regular contact between the neighboring states. This grouping may be a floating target, however, as the states have multiple relationships depending on geographic area.

Second, natural regions exist based on geography and common challenges. An example is the Delmarva Peninsula, an area that includes parts of Delaware, Maryland, and Virginia. The peninsula lies between the Atlantic Ocean and the Chesapeake Bay and is a frequently threatened by hurricanes which would affect all three states.

A third basis encompasses regions already required by federal law or grant guidance. These include Metropolitan Planning Organizations (MPO) for regional transportation systems, environmental regions, and Urban Area Security Initiative (UASI) areas used for regional emergency preparedness funding by DHS. These regions tend to be urban focused, which addresses risk, but excludes significant threats and portions of the population.<sup>160</sup>

But the fourth regional consideration is the most compelling, and that is to organize within the current FEMA regional structure. This is where FEMA and DoD are

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<sup>158</sup> Quinn, Interview.

<sup>159</sup> Joint Force Headquarters, *Maryland National Guard, Maryland National Guard Joint Operations Plan for Defense Support to Civil Authorities/Homeland Defense* (November 1, 2006), 6.

<sup>160</sup> United States Government Accountability Office, *Homeland Security, Effective Regional Coordination Can Enhance Emergency Preparedness*, GAO-04-1009 (Washington, D.C.: September 2004), 19.

already dedicating their planning and organizing efforts and resources. This provides an existing framework that is being expanded for the states to work within. This is not ideal. This is because the regions are very large and may not encompass all of the natural or existing relationships. However, the existing NG relationships within the regions can be expanded.<sup>161</sup>



Figure 7. FEMA Regions

## 2. Regional Support Structure

The regional support structure becomes the basic building block for National Guard regional operational coordination. Representatives from the National Guard Bureau, and each state's JFHQ, would be represented at each regional headquarters. This would support the command processes and anticipating resource requirements. These state representatives will also have knowledge of state and local plans to insure coordination and anticipation of resource requirements.<sup>162</sup>

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<sup>161</sup> Quinn, Interview.

<sup>162</sup> Homeland Security Policy Institute, *Regionalizing Homeland Security: Unifying National Preparedness and Response*, George Washington University (Washington, D.C.: June 30, 2006).

In the event of an emergency or contingency within a state which exceeds the state's capabilities, regional resources could be drawn upon to provide immediate assistance. The regional coordination cell would have anticipated requirements. This would be both in planning and real time continuous assessment of the on-going incident. It would also be leaning forward to provide additional NG resources and command and control support to the state command structure. The cell would have the current operating picture on all of the federal efforts underway at the FEMA regional operations center and would be able to deconflict requests for Guard assets. This would gain criticality with incidents involving, or potentially involving, multiple states (large scale natural or manmade disasters) or during multiple incidents in multiple states (terrorist acts).

### **3. Staff Support**

Establishing regional NG support at each FEMA region will require additional resources. Adequate staffing will be needed for continuous operations and interagency coordination, as well as a surge capability to accommodate contingencies. To insure continuity and unbiased contingency management, this staff should represent each state Guard in the region and a leadership element not affiliated directly with the states. The team will conduct planning with a focus on integration of state plans and capabilities. This would extend across a regional support framework.

Staff would consist of active duty (Title 10 and 32) service members and traditional (part-time reserve) National Guard personnel as well. This would particularly provide the surge capability. Additionally, each region should have an established liaison with NGB. To support that, NGB should designate an LNO to each of these offices and the National Capital Region.<sup>163</sup> An existing resource that could be utilized to help staff this regional coordination would be to convert the reserve Emergency Preparedness Liaison Officers (EPLO) to Title 32 positions with full time planning and coordination responsibilities.<sup>164</sup> These regional coordinators would then become a section within the HSLE.

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<sup>163</sup> Hook, Interview.

<sup>164</sup> Quinn, Interview.

#### **D. RESTRUCTURING NORTHCOM**

In a rapidly evolving homeland security environment, an additional opportunity has emerged to improve interagency coordination between the civilian sector and DoD. U.S. Northern Command could be restructured as an interagency organization. While not explored in depth in this thesis, this bears recognition because of its potential impact on an NGB JIACG or HSLE.

NORTHCOM was established to address DoD operations in the continental United States. The primary mission is homeland defense and DSCA. Recognizing that DoD will always be in support of civil authorities, the traditional use of the term C<sup>2</sup>, Command and Control, has been replaced at NORTHCOM by Collaborate and Coordinate.<sup>165</sup> However, NORTHCOM will never reach a full-depth of experience or understanding of defense support of civil authorities (DSCA) with its current staffing model. The nature of active duty military assignments rotates personnel every three years. The warfight emphasis will move personnel back to other non-DSCA assignments. This leads to a lack of continuity when working in an environment that is an established career field for the civilian sector. NORTHCOM works to overcome this lack of experience and continuity through the use of contractors and civilian personnel.

DoD has limited DSCA experience, and specific limited authorities under Title 10, to operate within the United States. These shortcomings can be supplemented by civil-military integration at NORTHCOM. This is a major change in mission that would require changes to the White House-directed Unified Command Plan. However, in light of the NDAA direction to NORTHCOM to analyze its make-up, the timing may be right.

Despite their mission and the capability of the National Guard, there is limited National Guard or civilian agency presence or leadership at NORTHCOM. NORTHCOM should be restructured to integrate the National Guard and civilian homeland defense and security agencies. The National Guard can provide the DSCA expertise in depth, and representation of civilian emergency agencies. Specifically, DHS/FEMA can insure integrated planning and response with the civilian sector.

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<sup>165</sup> Quinn, Interview.



U.S. Africa Command (AFRICOM), a new combatant command, is intended to be an organization that focuses on prevention of conflicts in the region through the combined use of humanitarian aid, diplomacy, and counterterrorism operations. AFRICOM is proposed to be composed of up to 25% non-defense civilians, with an Ambassador-level civilian from the State Department serving as a Deputy Commander.<sup>166</sup> NORTHCOM could take a similar approach, using DHS and other federal agencies with homeland security roles as partners within the command.

Another consideration is the restructuring of NORTHCOM — not as a combatant command — but as a standing Joint Interagency Task Force: Homeland Security (JIATF-HS). The Task Force could be patterned after the successful drug interdiction task force, JIATF South. JIATF South is composed of the five military services and nine civilian agencies. They all work in the same command structure to interdict drug traffic entering into the U.S. JIATF-HS would be similarly composed of all of the DoD and civilian agencies with responsibilities for homeland security.<sup>167</sup>

With the renewed focus on interagency collaboration, it is clear that a more focused IA or liaison structure would enhance the National Guard's capability and preparedness. The establishment of a NG Joint Interagency Coordination Group and a Homeland Security Liaison Element are two functional organizational tools that would support that effort. More broadly, a regional focus and structures to support that focus will integrate NG planning and operations more closely with the direction being taken by DHS/FEMA.

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<sup>166</sup> William H. McMichael, *AFRICOM Plans Tentative, But Unlike Any Others*, Army Times, June 11, 2007, 35.

<sup>167</sup> McKeague, Interview.

## VI. CONCLUSION

Identified as the number one priority for the National Guard, homeland security, including catastrophic disaster preparation, continues to be a focus for the transformation of Guard forces and missions.<sup>168</sup> This transformation was tested during Hurricanes Katrina and Rita when 50,000 National Guard (NG) soldiers and airmen were deployed to assist threatened and stricken areas. Because domestic operations is a civilian support mission for the National Guard (NG), it is critical that there be interagency coordination and communications to plan for requirements, integrate response, and maintain situational awareness concerning agency capabilities, status, and initiatives. Under current policy, NGB lacks the mandate to provide direct liaison with the Department of Homeland Security (DHS) in preparation for National Guard operations during emergencies.

Interagency relationships are key to successful disaster response. Understanding the capabilities of different agencies at all levels of government, and the process to access them, is a core element of emergency management. The lack of comprehensive interagency coordination is counterproductive for agencies that rely on each other so extensively during response efforts. The Department of Defense (DoD) must improve interagency coordination and integration. The National Guard Bureau (NGB) must improve their existing efforts to insure that coordination results in collaboration at national, regional, and state levels. The National Guard (NG) is positioned and capable to provide Defense Support of Civil Authorities (DSCA) in an efficient and effective manner. Without the mandate and support to collaborate directly with federal response partners, the effort is subject to changing priorities within DoD.

The National Guard is a unique and flexible tool that is available to both the states' and federal governments for domestic operations. The Guard has a long history of domestic operations. It is actively working and planning with local, state, and federal partners to remain prepared to conduct the full range of possible domestic operations now and into the future. In 23 states, the Adjutant General also serves as the state's emergency

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<sup>168</sup> National Guard Bureau, Leadership Page, Chief, National Guard Bureau, <http://www.ngb.army.mil/leaders/default.aspx>, (accessed July 1, 2007).

manager, interacting directly with DHS. These state planning and operational relationships should be institutionalized at the National Guard Bureau.

The National Defense Authorization Act of 2008 and its embedded elements of the National Guard Empowerment Act has set the stage to address these reforms. So has the focus brought by the Commission on National Guard and Reserves Final Report to the issues of National Guard structure and homeland security. It is incumbent on the agencies involved, specifically DoD and the National Guard Bureau, to reengineer the best way to prepare for and deliver consequence management in an integrated, interagency manner.

#### **A. RECOMMENDATIONS**

The primary question explored by this thesis is: what additional procedural, policy, and structural mechanisms can be implemented to improve interagency cooperation and collaboration between the National Guard Bureau and other homeland security agencies for domestic operations? The recommendations are as follows:

##### **1. Recommendation #1**

The National Guard Bureau should create an Interagency Coordinating Directorate (ICD). The Directorate will staff a Joint Interagency Coordinating Group to support NG planning and responses which do not reach the Stafford Act level. This concept is currently under review at NGB.<sup>169</sup> Using the NORTHCOM JIACG as a model to insure continuity of effort, the JIACG will also function as an Interagency Coordination Center within the NGB JOC structure during exercises and crises operations. This will take advantage of planning efforts and communications channels created within the JIACG. The JIACG should be co-located with the NGB Joint Operations Center (JOC) to promote communications and coordination.

Because policy is conducted at the federal departmental level, the NGB JIACG structure should be focused on operational coordination. Membership should be a function of the National Guard's capabilities and agencies that those capabilities frequently support. The core agency list must include: FEMA, DOJ, HHS, DoD/ACE, EPA, USCG, and USDA/USFS.

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<sup>169</sup> Tennis, Interview, May 11, 2007.

## **2. Recommendation #2**

A Homeland Security Liaison Element should also be created at National Guard Bureau. Working within the ICD, the HSLE will consolidate all current liaison efforts with other homeland security agencies. This will provide unity of command and effort and improve communications between liaison officers and the NGB leadership and staff. The liaison officers should also be empowered to represent NGB on operational and planning issues. Further, the LNOs should be staffed adequately to allow fuller engagement with the agency.

## **3. Recommendation #3**

The National Guard will be fully engaged in any state level response. Under the Emergency Management Assistance Compact (EMAC) and state-to-state memorandums of understanding (MOU), it will be widely utilized at the regional level. National level response will normally require Title 10 forces and will be coordinated by NORTHCOM. To enhance response planning and operations, the Guard should adopt and institutionalize a regional disaster response organizational structure. This regional focus will complement the direction taken by FEMA and supported by DoD. Adopting a regional focus will support NG preparedness and operational effectiveness.

## **4. Recommendation #4**

NORTHCOM has been given a unique mission to provide command and control to Title 10 forces operating in the American homeland. This civil-military mission can best be accomplished by fully collaborative efforts between the agencies responsible for preparedness in the U.S. NORTHCOM should examine its structure for opportunities for staff and command integration with the National Guard and Department of Homeland Security (DHS).

## **B. FURTHER RESEARCH**

Further research needs to be conducted in numerous areas concerning interagency coordination for homeland security. Some specific areas include:

- Agency structure for homeland security interagency cooperation and collaboration. Current efforts center on adopting existing organizational structure rather than looking at the new requirements and taking a ‘square-one’ reengineering approach.

- Staff development for homeland security interagency roles. Domestic operations have previously focused on civil-military models. The renewed focus calls for expertise specific to working within the National Response Framework. Already experienced in this area, the National Guard should take the lead and build a bullpen for disaster surge capacity.<sup>170</sup> Two other considerations for increasing the competence of military staff assigned to domestic operations positions would be specialized training and career paths for domestic operations assignments. An additional or special skill identifiers (ASI/SSI), or career functional area for domestic operations, could be created.<sup>171</sup>
- Government interagency collaboration models have not been fully effective. There is strong emphasis on cooperation, but the long standing interagency competition is preventing cross-cutting collaboration. Joint planning must include shared resources and unity of effort.
- Mechanisms for information sharing need to be developed to insure that all agencies have a common operating picture. The challenge will be the ability for the multiple agencies to be able to automatically identify and share the critical data being collected in their systems.

### **C. CHALLENGES**

No discussion of organizational change can be conducted without recognition of the existing structures, relationships, and political climate that challenge any proposals. While the National Guard has made dramatic moves to enhance its capabilities to support national preparedness, it has not been without problems. Internal resistance to the concept of a joint force headquarters took some years to overcome. Even more entrenched was resistance to the concept that the Guard should embrace homeland security as a priority mission. This is considered prioritization of the state mission over the federal mission and it entails redirection of resources. Taking anything away from the federal wartime mission can be viewed as counterproductive to the Guard's position in DoD. The Guard has overcome the internal resistance to accept the changes needed to begin to transition to

<sup>170</sup> Aylward, Interview.

<sup>171</sup> Ibid.

a more effective homeland security force. Continued evolution will occur as the comprehensive homeland security mission is fully accepted by the Guard and DoD.

DoD and the DoD Joint Staff understand the expectations of the country for the military to use its vast resources to support domestic operations. The tension in the military services relative to domestic operations lies at the service-specific departments: Army, Air Force, and Navy. This resistance is a function of philosophical differences in what the mission of the military should be, the current operations tempo in the Global War on Terrorism, and the lack of funding directed at domestic operations. The acceptance of the domestic operations mission will likely be a generational issue.<sup>172</sup>

Some additional challenges are:

- The National Guard is part of DoD and DoD is the policy level agency expected to represent the National Guard at DHS and other federal agencies. The Department of Defense is focused on homeland defense and DSCA secondary to Stafford Act requests. This focus fails to recognize the scope of homeland security involvement by the National Guard.
- The National Guard Bureau does not have the authority or charter to conduct federal interagency coordination. However, the Commission on National Guard and Reserve has recommended that this be changed and Congress included it in the NDAA.
- The expansion of the National Guard homeland security mission has not been universally embraced. It has occurred during a time when the NG is also evolving from a strategic reserve — used last during World War II — to an operational reserve heavily engaged in Iraq and Afghanistan. Observations have been made that the current up-tempo of the Guard and reserve cannot be maintained. The concerns raised are that this fundamental change alone is substantial and the added emphasis on domestic operations detracts from funding and time needed to prepare for

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<sup>172</sup> Tennis, Interview, May 11, 2007.

federal deployments. Continuing to build a robust homeland security capability will increase the stress already felt by reserve units.<sup>173</sup>

- There is a concern within the National Guard community that, if the Guard embraces the homeland security mission, they will become a constabulary — a military force used for police work here in the United States — and will no longer be a military reserve force. This would result in the loss of force structure, training, and equipment. In reality, the ongoing utilization and reorganization of the Guard as an operational reserve marginalizes that concern.<sup>174</sup>
- Homeland security is a secondary mission for the National Guard at the state level and should never rise to the level of required interagency coordination at the federal level. This point fails to recognize the increasing federal involvement during state and regional level responses and the planning that should accompany response preparedness.
- Each state National Guard is independent and operates under the command of the Governor. The friction occurs at the point that NGB provides federal interagency coordination external to the state NG coordination. NDAA has now authorized this coordination by NGB and will require clear policy and agreement among the states and NGB.
- Funding for domestic operations is a major issue to be resolved before the National Guard and DoD can fully conduct the DSCA mission.
- There is a misallocation of resources for homeland security coordination. NORTHCOM is resourced with over 1,500 staff personnel while FEMA and NGB are under-resourced. This fails to recognize that NORTHCOM is not the lead agency in responses within the United States. This could be addressed by restructuring the mission and composition of NORTHCOM.<sup>175</sup>

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<sup>173</sup> Defense Science Board, DSB Task Force on Deployment of Members of the National Guard and Reserve in the Global War on Terrorism, Washington, D.C.: September 2007, 19.

<sup>174</sup> McKeague, Interview.

<sup>175</sup> Ryan, Interview.

The leaders of our country and the public demand that the Guard be a relevant, reliable, and ready force. They can only meet those goals with an aggressive response during an incident. They must interact to a higher degree with the civilian response community. Understanding the civilian agencies' processes, and anticipating areas where civilian resources will need support, will provide the planning focus required for success during a catastrophic emergency.

Major responses require multi-agency communications and coordination, before during, and after an event. As the National Guard continues to advance its preparedness for domestic missions, interagency collaboration remains a key imperative for future success — and the saving of property and lives.

*The battle is now joined on many fronts. We will not waver; we will not tire; we will not falter; and we will not fail. Peace and freedom will prevail.*

*President George W. Bush  
October 7, 2001*



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